

John K. Simpson, Bar No. 4242
Shelley M. Davis, Bar No. 6788
BARKER ROSHOLT & SIMPSON LLP
205 N. 10th Street, Ste. 520
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: (208) 336-0700
Fax: (208) 344-6034

Attorneys for FMC Corporation

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____))

Subcase No. A29-11342

**AFFIDAVIT OF SHELLEY M. DAVIS IN
SUPPORT OF MOTION TO ALLOW
FILING OF A LATE CLAIM OR
ALTERNATIVELY TO SET ASIDE
PARTIAL DECREE PURSUANT TO
I.R.C.P. 60(a) AND ALLOW AMENDMENT
OF CLAIM**

STATE OF IDAHO)
)ss.
County of Ada)

SHELLEY M. DAVIS, being first duly sworn upon oath, deposes and states as follows:

I am attorney for FMC CORPORATION in this action, and make the following affidavit upon my personal knowledge of the facts and circumstances set forth herein below.

1. The records represented as exhibits in this motion were retrieved from the files of the Idaho Department of Water Resources and to the best of my knowledge are true and correct copies of the original documents contained in those files.

2. Attached hereto as Exhibit A are true and correct copies of historical documents representing the application for, and eventual grant of a License for municipal use of 1.11 cfs of water from well no. 11, or the Pilot House well. The License was identified by number G-24451.

3. Attached hereto as Exhibit B are true and correct copies of an October 2, 1990 letter from Gary Cooper of the law firm Racine Olson Nye Cooper & Budge to Roger Kunz of FMC Corporation attaching two quitclaim deeds representing the property purchased by FMC from the City of Pocatello. The Pilot House well is situated on that property.

4. Attached hereto as Exhibit C is a true and correct copy of the Notice of Claim to a Water Right Acquired Under State Law submitted by FMC Corporation on or about April 20, 1990 for 1.1 cfs of water from well no. 11.

5. Attached hereto as Exhibit D is a true and correct copy of a Notice of Claim to a Water Right Acquired Under State Law submitted by the City of Pocatello with handwritten notations indicating that the right to 1.1 cfs from well no. 11 had been transferred to FMC Corporation. This Notice of Claim appears to be the origin of the right being improperly claimed as a beneficial use right as opposed to a licensed right.

6. Attached hereto as Exhibit E is a true and correct copy of a letter from Dave Carlson of the Idaho Department of Water Resources to FMC Corporation dated September 21, 1992 stating that the request for Change in Ownership had been granted

and that a Notice of Claim for Water Right No. A29-11342 was enclosed for filing by FMC. Also included in Exhibit E are true and correct copies of the documents sent to IDWR to request the change in ownership.

7. Attached hereto as Exhibit F is a true and correct copy of a Transfer of Water Right for the City of Pocatello dated June 28, 1999 which includes in water right no. 29-02338 the 1.1 cfs of water from well no. 11 belonging to FMC Corporation.

8. Attached hereto as Exhibit G is a true and correct copy of a June 22, 2001 letter to Gary Resh and Rob Hartman of Astaris Idaho LLC, a subsidiary of FMC Corporation, requesting additional information and recognizing that water right no. 29-11342 was being used by Astaris, and attaching a map locating the Pilot House well on the FMC property.

9. Attached hereto as Exhibit H are true and correct copies of letters dated in July 2002 to Rob Hartman and Jim Sieverson of FMC Idaho, LLC indicating that the Idaho Department of Water Resources had approved a lease of the water rights held by FMC Corporation to the Ground Water Districts.

10. Attached hereto as Exhibit I is a true and correct copy an Amended Notice of Claim to a Water Right Acquired Under State Law submitted by the City of Pocatello on or about April 25, 2003 amending its claim identified by water right no. 29-02338. The amendment withdraws the claim to 1.1 cfs from well no. 11, stating that the property was sold in 1992.

11. Attached hereto as Exhibit J is a true and correct copy of the Idaho Department of Water Resources Preliminary Recommendation of Water Rights Acquired Under State Law dated on or about June 10, 2003 for water right no. 29-02338 which

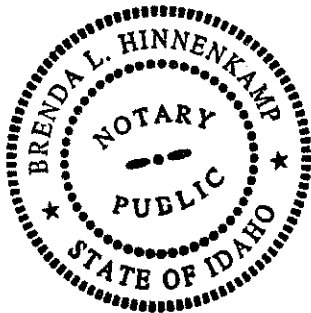
incorrectly continues to include the 1.1 cfs from well no. 11 among its recommended rights to be decreed.

12. Attached hereto as Exhibit K is a true and correct excerpt from the Idaho Department of Water Resources Director's Report for Irrigation and Other Uses, Reporting Area 9, IDWR Basin 29 submitted on or about July 11, 2003 recommending that right no. 29-11342 be disallowed because it had been recommended as right no. 29-2338.

Dated this 2nd day of May, 2005.


Shelley M. Davis

SUBSCRIBED AND SWORN to before me this 2 day of ~~April~~^{May}, 2005.



Brenda L. Hinnenkamp
Notary Public for Idaho
Residing at: Boise, Idaho
Commission Expires: 9/2008

EXHIBIT A



ROBERT E. SMYLLIE
Governor

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

GEO. N. CARTER, STATE RECLAMATION ENGINEER

BOISE

December 12, 1958

Re: Permit No. G-24451
City of Pocatello, A Municipal Corporation

City of Pocatello
W. B. Webb, City Manager
P. O. Box 1489
Pocatello, Idaho

Dear Mr. Webb:

Enclosed is the Certificate of Completion of Works and the License
and Certificate of Water Right issued under Permit No. G-24451, also,
departmental receipt #G-3751 for fees.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Adrian F. Rutledge
Chief Clerk

EPR:nls
Enc.

EXHIBIT "B"

NOV 14 1958

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho, Feb 16, 1958

NO. G-3751

RECEIVED
FROM

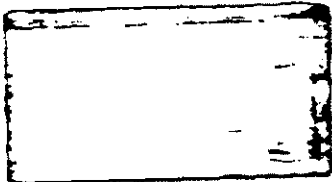
E. J. Carter of Great Falls 11.50
E. J. Carter DOLLARS

FOR

Well Driller's License Fee -	\$	
Application for Permit No. -	\$	
Proofs <u>W-617-24251</u> -	\$	<u>11.50</u>
Certified Copy -	\$	
Recording Assignment -	\$	
TOTAL -	\$	<u>11.50</u>

E. J. Carter
State Reclamation Engineer

By E. J. Carter



RECEIVED

NOV 14 1955

OLD WELL AT OLD AIRPORT
KNOWN AS PILOT HOUSE WELL

SUMMARY OF DATA PERTAINING TO
CITY OF POCASTELLO WELL NO. 11
DECEMBER 1951

By: James E. Seardino

INTRODUCTION

The City of Pocatello Well No. 11 located at the old municipal airport is owned and operated by the Pocatello Municipal Airport. The water is used for domestic purposes in a pressure tank system.

The original well was located approximately 100 feet westerly from the present well site. Because the old well location was in the new highway right of way it was abandoned, filled in and a new well drilled. The following data is a summary of the relocated well.

WELL DATA

Location of well: NW $\frac{1}{4}$ Sec. 12, T. 6 S., R. 33 E., S. 10, Power County, near the old municipal airport administration building on U. S. Highway 30 E.

Well drilled by: A. J. Schoonover, Burley, Idaho. Well was started June 16, 1951 and completed July 24, 1951.

The well was drilled to a total depth of 113 feet and cased to a depth of 108 feet. (Note: All measurements are referenced to floor level of pump house elevation 4454.8 feet).

The casing installed from 0 feet to 108 feet was 8.625 inch O. D., 3/8 inch wall thickness standard seamless steel pipe.

The casing was perforated from 81 feet to 103 feet cutting 308 perforations 5/16" x 1 1/2" slots 7 to a round every 6 inches.

Static level of water was recorded at 65.5' below floor level or at an elevation of 4389.3 feet July 10, 1951.

DEVELOPMENT & TEST PUMPING

The development and test pumping of the well consisted of a continuous 12 hour pumping period, a 36 hour rest period, and a second continuous 12 hour pumping period. Results were as follows:

July 22, 1951 - First continuous 12 hour test period recorded an average of 230 gpm with a 5 foot drawdown.

July 24, 1951 - Second continuous 12 hour test period recorded an average of 230 gpm with a 5 foot drawdown.

EXHIBIT "A"

NOT RECORDED
JUL 14 1952

The maximum rate of discharge recorded at 300 gpm with an unknown drawdown.
(Note: The drawdown was measured with an airline and gauge, which is an inadequate means to record water elevations. A steel tape or one of the electronic devices are more dependable and accurate.)

Test pump installation included:

1. Airline and gauge to record water levels.
2. 1/4 inch free flowing sharp edge orifice and tube to record rates of discharge.
3. The test pump installation was not recorded.

STRATA ENCOUNTERED

<u>From</u>	<u>To</u>	<u>Thickness</u>	<u>Description</u>
0'	10'	10'	Thin clay
10'	15'	5'	Red clay
15'	30'	15'	Gravel, clay & boulders
30'	50'	20'	Fine gravel
50'	60'	10'	Gray clay
60'	81'	21'	Clay & gravel water tight
81'	105'	24'	Sandy gravel water bearing
105'	113'	8' plus	Gravel & clay water tight

GROUND WATER PRIORITY RIGHT

Well No. 11 has a ground water filing with State of Idaho under:

1. Application No. C-32418
2. Permit No. C-24061
3. District No. None
4. Priority Date Sept. 1, 1951
5. Proof of Completion Work Done 9-17-53
for 1 cubic feet per second
6. Proof of Beneficial Use Done 9-17-53
for 1 cubic feet per second

Quantity of water claimed 1 cubic feet per second or Idaho miners inches 50 or 150 gallon per minute.

CONCLUSION

Considering the size of casing installed, plus the present developed well, it would be safe to conclude that the maximum capacity of the well is developed. Nevertheless, casing could be reduced and drilling continued to lower depths for additional water bearing horizons in the event the top horizon becomes obsolete.

WATER DIVISION
NOV 14 1953

State of Idaho

License and Certificate of Water Right

Water License No. G-24451 Priority September 1, 1953 Amount 14.76 c.f.s.

THIS IS TO CERTIFY that CITY OF POCATELLO, A MUNICIPAL CORPORATION of Pocatello, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated September 1, 1953; that Permit No. G-24451 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 14.76 second feet, was issued thereunder on December 12, 1958, showing that said works were completed on the 17th day of September, 1958; and that on the 17th day of September, 1958, By: W. B. Webb, City Manager of Pocatello, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of six wells a tributary of subterranean for the purpose of DOMESTIC USE (Municipal), under Use Permit No. G-24451 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 11 of Licenses, at Page 6561, on the 12th day of December, 1958; The right hereby confirmed dates from September 1, 1953;

The Point of Diversion is located (See below) in the 14 14. Sec. Tp. R. B.M. Bannock & Power Counties

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 14.76 cubic feet per second. Wells #11-1, 11c.f.s.; #12-6, 20c.f.s.; #13 2, 22c.f.s.; #15-1, 11c.f.s.; #1-2, 20c.f.s. #2-1, 92c.f.s.

Description and location of use: DOMESTIC USE IN CITY OF POCATELLO AND ADJACENT AREA

TWP.	RANGE	SECTION	DESCRIPTION	WELL
* 6 S.	33 E.	12	NE 1/4 SE 1/4 Lot 17, Blk. 361	Original Pocatello Townsite Original Pocatello Townsite
7 S.	34 E.	1	SE 1/4 SE 1/4	Golf Course
7 S.	35 E.	6	NW 1/4 SE 1/4	Palmer Tract
6 S.	33 E.	15	SW 1/4 NE 1/4	Phillips Field
6 S.	33 E.	10	NE 1/4 SE 1/4	Phillips Field

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 12th day of December, 1958

G. M. Carter
State Reclamation Engineer.

NOV 14 1958

Permit No. G-24451**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to certify that, CITY OF POCA TELLO, A MUNICIPAL CORPORATION
 of Pocatello, County of Bannock, and State of
Idaho, the holder of Permit No. G-24451, issued upon
 Application No. G-32248 bearing date of priority of September 1, 1953, authorizing the
 diversion of 38 second feet of waters of Deep wells in waters of
subterranean origin

County of ^{ies} Bannock & Power State of Idaho, for Municipal & domestic (City of Poc. & adjacent property)
 purposes, has fully complied with the provisions of the laws of the State of Idaho relating to
 the proof of completion of the works of diversion set out and described in said Permit; that said
 works are adequate for diverting and conveying to the place of intended use 14.76
 second feet of the waters of subterranean flow from six wells (#11-1.11 c.f.s.;
#12-6.20 c.f.s.; #13-2.22 c.f.s.; #15-1.11 c.f.s.; #1-2.20 c.f.s.; #2-1.92 c.f.s.)

that the point of diversion of said waters NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 12, T6S-R33E.BM; Lot 17, Blk. 361
Original Pocatello Townsite; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 1, T7S-R34E.BM; NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 6, T7S-R35E.BM;
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 15, T6S-R33E.BM-Phillips Field; NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 10, T6S-R33E.BM-Phillips Field.

and that ~~the same~~ ^{is} proposed to be ~~used for~~ ^{used} use of said water ~~as~~ ^{is} described as follows, to-wit:

FOR DOMESTIC (Municipal) USE IN CITY OF POCA TELLO AND ADJACENT AREA

Proof of Completion of Works made: September 17, 1958

Witness my hand this 12th day of December A. D. 1958

Geo. A. Carter
 State Reclamation Engineer

NOV 14 1958

EXHIBIT B

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
REED W. LARSEN
CARY B. COLAIANNI
BRENT O. ROCHE
FRED J. LEWIS
KIRK B. HADLEY

*ALSO MEMBER ILLINOIS BAR

LAW OFFICES OF
RACINE, OLSON, NYE, COOPER & BUDGE
CHARTERED
CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-0391

TELEPHONE
AREA CODE 208
232-6101

TELEX
208-232-6109

October 2, 1990

FMC Corporation
Attn: Roger Kunz
Plant Controller
P. O. Box 4111
Pocatello, Idaho 83202

Re: Real property purchased from the City of Pocatello

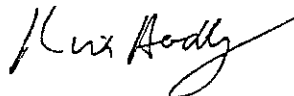
Dear Roger:

Per your instructions, we have recorded the two Quitclaim Deeds evidencing the above transfers. The Deeds were recorded on October 1, 1990, as Bannock County Instrument Nos. 90012583 and 90012584. I have enclosed the original Deeds for your files, and will retain copies for our office records.

Also, we are preparing simple notifications for the three property lessees informing them of FMC's ownership and directing them to make lease payments to FMC to your attention. You will be copied on these notifications.

Please contact me if we can be of further assistance at this time.

Yours very truly,



GARY L. COOPER

GLC:gr

Enclosures

cc: Tom Bernasek

QUITCLAIM DEED

90012584

For Value Received, receipt of which is hereby acknowledged,

the City of Pocatello, a municipal corporation of Idaho, does

hereby convey, release, remise and forever quit claim unto FMC Corporation

Box 4111, Pocatello, Idaho 83202

whose current address is Pocatello, Idaho 83202

the following described premises, to-wit:

A parcel of land in the South 1/2 of Section 12, T.6S., R.34E., B.M., and in Lot 4 (NW1/4, SW1/4) of Section 7, T.6S., R.34E., B.M., lying South of Interstate Highway 84 and North of U.S. Highway 30 North, more particularly described as follows:

Commencing at the Northeast corner of Section 12, T.6S., R.34E., B.M.; thence S.00°13'54"W. (basis of bearing per Central Meridian of the East Zone of the Idaho State Plane Coordinate System), along the East line of said Section 12, a distance of 3483.03 feet to THE TRUE POINT OF BEGINNING; thence S.72°36'32"W., parallel with the centerline of U.S. Highway 30 North, Federal Aid Project P.I.-1024(1), a distance of 1195.22 feet; thence S.17°33'28"E., a distance of 281.68 feet to a point which is right angles Northwesterly 78.00 feet from said centerline of U.S. Highway 30 North; thence N.72°36'32"E., parallel with said centerline 1085.44 feet to the beginning of a 5807.58 foot radius curve concave to the South, which point is 78.00 feet left of Station 491+38.4 of said U.S. Highway 30 North Survey; thence in a Northeasterly direction along said curve parallel with said centerline of U.S. 30 North, through a central angle of 0°05'53", a distance of 9.93 feet to the East line of said Section 12; thence N.00°15'54"E., along said Section line 33.55 feet to a point on a 5839.58 foot radius curve whose center bears S.17°11'38"E., which curve being parallel with and 110.00 feet (measured on the radial line of said curve), Northerly from the centerline of said U.S. Highway 30 North; thence in a Northeasterly direction following said curve, through a central angle of 1°58'21", a distance of 404.89 feet; thence N.13°11'17"W., on the radial line of said curve 100.00 feet, to a Southwesterly corner in a parcel of land conveyed to the Food Machinery and Chemical Corporation by Instrument No. 49480 of the official records of Power County; thence N.17°23'28"W., following the boundary line described in said Instrument 165.4 feet; thence S.72°36'32"W., continuing along said parcel boundary line 332.30 feet to the East line of said Section 12, also common with the West line of Section 7, T.6S., R.34E., B.M., THE TRUE POINT OF BEGINNING.

together with their appurtenances.

Dated: September 21, 1990

Peter Angstadt

Peter J. Angstadt, Mayor

City of Pocatello, Idaho

STATE OF IDAHO, COUNTY OF Bannock
On this 21st day of Sept., 1990,
before me, a notary public in and for said State, personally
appeared *Peter J. Angstadt*
Mayor of Pocatello

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that he executed the same,
on behalf of the City of Pocatello.
Carol K. Sirard

Notary Public

Residing at Pocatello, Idaho
Comm. Expires 8/11/92

90012584

NO. RECORDER AT REQUEST OF

RACINE, OLSON, NYE, COOPER & BUDGE

'90 OCT -1 AM 1:30

OFFICIAL RECORD OF NO. 530
BANNOCK COUNTY, IDAHO
LARRY W. GHAN, RECORDER
FEE \$3.00 DEPUTY TS-CK

Furnished by the AMERICAN LAND TITLE CO., Pocatello, Idaho

Notary Sec.

QUITCLAIM DEED

For Value Received, receipt of which is hereby acknowledged,

the City of Pocatello, a municipal corporation of Idaho, does

hereby convey, release, remise and forever quit claim unto FMC Corporation

Box 4111 Pocatello, ID 83202

90012583

whose current address is Pocatello, Idaho 83202

the following described premises, to-wit:

A parcel of land in the South 1/2 of Section 12, T.4S., R.32E., E.M., lying South of Interstate Highway 86 and North of U.S. Highway 30 North, more particularly described as follows:

Commencing at the Northeast corner of Section 12, T.4S., R.32E., E.M.; thence S.00°15'54"W. (basis of bearing per Central Meridian of the East Zone of the Idaho State Plane Coordinate System), along the East line of said Section 12, a distance of 3118.58 feet to a point on a 11389.16 foot radius curve whose center bears S.03°12'46"E., which curve being the southerly right-of-way line of Interstate Highway 86 West (formerly Interstate Highway 15 West) THE TRUE POINT OF BEGINNING; thence in a Westerly and Southwesterly direction following said curve depicted on Federal Aid Highway project plans I-16-15W-4(15)73, through a central angle of 18°35'52", a distance of 3470.88 feet to a point of tangency, which point being S.21°48'16"E., a distance of 150.00 feet from centerline station 657+85.76 of said Interstate Highway 86 survey; thence S.68°11'24"W., along said southerly right-of-way line of said Interstate Highway 86, a distance of 452.60 feet to the West 1/16 line of said Section 12; thence S.00°03'06"W., along said West 1/16 line 950.63 feet to a point which is right angles Northwesterly 78.00 feet from said centerline of U.S. Highway 30 North, Federal Aid project F.1.-1024(1); thence N.72°36'32"E., parallel with said centerline 3071.35 feet; thence N.17°23'28"W., a distance of 281.68 feet; thence N.72°36'32"E., parallel with said centerline of U.S. Highway 30 North 1195.22 feet to the East line of said Section 12; thence N.00°15'54"E., along said section line 366.47 feet to THE TRUE POINT OF BEGINNING.

together with their appurtenances.

Dated: September 21, 1990

Peter J. Angstadt

Peter J. Angstadt, Mayor

City of Pocatello, Idaho

STATE OF IDAHO, COUNTY OF Bannock
On this 21st day of Sept., 1990,
before me, a notary public in and for said State, personally
appeared

Peter J. Angstadt,
Mayor of Pocatello

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that he executed the same,
in behalf of the City of Pocatello

Cara K. Girard

Residing at Pocatello, Idaho
Comm. Expires 8/11/92

Notary Public
, Idaho

90012583

NO. RECORDER AT REQUEST

RACINE, OLSON, NYE, COOPER & budge
90 OCT -1 AM 1:30

OFFICIAL RECORD NO. 530
BANNOCK COUNTY, IDAHO
LARRY W. GIAN RECORDER
FEE 3.00 DEPUTY TS-CK

Furnished by the AMERICAN LAND TITLE CO., Pocatello, Idaho

Notary Seal

EXHIBIT C

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-11342
Date Received: 4/20/1990
Receipt No: C016458
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FMC CORPORATION 208-236-8686
Address: ATTN: ENERGY MANAGER
PO BOX 411
POCATELLO ID 83205

2. Date of Priority: JUL 24, 1952

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	33E	12	NE	SE			BANNOCK

5. Description of diverting works:
1 WELL (#11), PUMPS, PIPES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MUNICIPAL	01/01	12/31	1.100		

7. Total Quantity Appropriated is:
1.100 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
M/CITY OF POCATELLO

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
----------	-------	---------	--------	--------	-----	-----	-------

11. Place of use in counties:

MICROFILMED
NOV 16 1992

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
SEE ATTACHMENT

14. Remarks:

P/U WITHIN CITY OF POCA TELLO & VICINITY, LOCATED IN BANNOCK AND
POWER COUNTIES.

THIS WELL IS BEING CLAIMED BASED ON BENEFICIAL USE ALTHOUGH
IT IS DESCRIBED IN LICENSE 24451.

THE LICENSE ERRONEOUSLY IDENTIFIES THE PRIORITY DATE.
SEE ATTACHMENT FOR ADDITIONAL REMARKS.

15. Basis of Claim: BENEFICIAL USE

Water Right Number: 24451

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and
understand the form entitled "How you will receive notice in the Snake River
Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay
a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

MICROFILMED

NOV 16 1992

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
Print Name

acting as attorney at law on behalf of the claimant signing above, and that
all notices required by law to be mailed by the director to the claimant
signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED
NOV 16 1992

EXHIBIT D

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-11342
Date Received: 3/23/1990 4/19/90
Receipt No: C016458
Received By: RRS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ~~CITY OF POCATELLO~~ FMC C/O
Address: P.O. BOX 4169
POCATELLO, ID 83205

2. Date of Priority: JUL 24, 1952

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	33E	12	NE	SE			BANNOCK

5. Description of diverting works:
1 WELL (#11), PUMPS, PIPES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MUNICIPAL	01/01	12/31	1.100		

7. Total Quantity Appropriated is:
1.100 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
M/CITY OF POCATELLO

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
----------	-------	---------	--------	-----	-----	-----	-------

11. Place of use in counties:

12. Do you own the property listed above as place of use? NO

A29-11342

Page 1

Date: 04/16/90

MICROFILMED

NOV 16 1992



13. Other Water Rights Used:
SEE ATTACHMENT

14. Remarks:

P/U WITHIN CITY OF POCA TELLO & VICINITY, LOCATED IN BANNOCK AND
POWER COUNTIES.

THIS WELL IS BEING CLAIMED BASED ON BENEFICIAL USE ALTHOUGH
IT IS DESCRIBED IN LICENSE 24451.

THE LICENSE ERRONEOUSLY IDENTIFIES THE PRIORITY DATE.

SEE ATTACHMENT FOR ADDITIONAL REMARKS.

15. Basis of Claim: BENEFICIAL USE
Water Right Number: 24451

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and
understand the form entitled "How you will receive notice in the Snake River
Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay
a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am MAYOR _____ of
_____ Title

CITY OF POCA TELLO _____, that I have signed the foregoing
Organization

document in the space below as MAYOR _____ of
Title

CITY OF POCA TELLO _____ and that the statements contained in the
Organization
foregoing document are true and correct.

Peter Angstadt
Signature of Authorized Agent

MAYOR / CITY OF POCA TELLO
Title and Organization

4-17-90

Date

State of Idaho

County of Bannock)
SS.

Subscribed and sworn (or affirmed) before me this 18th day

of April 19 90

Connie Lee Blackburn
Notary Public

Seal

Residing at Pocatello

My Commission Expires 8-18-91

Date: 04/16/90

A29-11342

Page

2

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NOV 16 1992

17. Notice of Appearance:

Notice is hereby given that I, Patrick D. Costello will be
Print Name

acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Patrick D. Costello

Address 775 n. 8th Boise, ID 83709

Date 4/16/90

REMARKS

The Claimant's water supply system for distribution of all of its ground water and surface water supplies includes various reservoir and tank storage facilities, which are capable of being fully recharged by the quantity of water available in a 24-hour period from all of the city's sources of water. Right to use such storage facilities is therefore claimed as a part of the surface or ground water claim asserted herein.

MICROFILMED
NOV 16 1992

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o. AZ

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DATE : 05/01

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EXHIBIT E

SEPTEMBER 21, 1992

FMC CORPORATION
ATTN ENERGY MANAGER
PO BOX 4111
POCATELLO ID 83202

RE: CHANGE IN OWNERSHIP FOR A29-11342

Dear Sir:

The request for Change in Ownership concerning the Notice of Claim in the above reference has been processed and the Notice changed to show you as the current owner.

Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Dave Carlson
Water Rights Agent, Adjudication

DC:jt

Enclosure: NOTICE OF CLAIM A29-11342

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NOV 16 1992

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
REED W. LARSEN
BRENT O. ROCHE
FRED J. LEWIS
KIRK B. HADLEY
MITCHELL W. BROWN
ERIC S. HUNN
DAVID E. ALEXANDER

*ALSO MEMBER IL & WY BARS

LAW OFFICES OF
RACINE, OLSON, NYE, COOPER & BUDGE
CHARTERED
CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE
AREA CODE 208
232-6101
—
FAX
208-232-6109

September 17, 1992

RECEIVED

SEP 18 1992

Department of Water Resources
Eastern District Office

Idaho Department of Water Resources
Attn: Ernest Carlson
Jo Thompson
150 Shoup Avenue, #15
Idaho Falls, ID 83401

Re: FMC Claim Nos

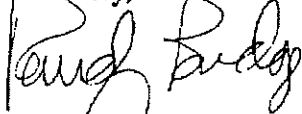
Dear Ernest and Jo:

Thanks for your letter of September 15th.

Enclosed please find a completed Form 42-1409(7) "New Property Owner Notice of Change of Water Right Ownership" together with attached Quit Claim Deed dated September 21, 1990, Bannock County Recorder's Instrument No. 90012584 evidencing the transfer of the property from the City of Pocatello to FMC Corporation. Please file the same and based thereon, change the owner of Claim No. A29-11342 from the City of Pocatello to FMC Corporation.

Also enclosed for your file is a copy of the letter pursuant to which I have mailed a copy of form to Pocatello City Attorney, Dean Tranmer. Thank you for your cooperation and assistance.

Sincerely,



RANDALL C. BUDGE

RCB:te

Enclosures

c: R.L. Mill, Energy Manager, FMC
Dean Tranmer, City Attorney

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NOV 16 1992



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 9-21-90

LEGAL DESCRIPTION OF PROPERTY: Township 6S Range 33E
Section 12, 1/4 of NE 1/4 of NE 1/4, Govt. Lot , BM.
Lot , Block , Subdivision/Townsite .

If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A29-11342
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): City Of Pocatello
P. O. Box 4169
Pocatello, Idaho 83205
- ☐ New Owner/Claimant (Purchaser): FMC Corporation
- ☐ New Mailing Address: ATTN: Energy Manager
P. O. Box 4111
Pocatello, Idaho 83202
- ☐ New Telephone Number: (208) 236 - 8686
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes Xno
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: See attached Quit Claim Deed Dated 9/21/90, Bannock County Inst. No. 90012584

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) Randall C. Budge, Racine, Okla, Nye Date 9/16/92
Cooper & Budge, Attorneys for FMC Date _____
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:

Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

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NOV 16 1992

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

CLAIM DEED

90012584

For Value Received, receipt of which is hereby acknowledged,

the City of Pocatello, a municipal corporation of Idaho, does

hereby convey, release, remise and forever quit claim unto FMC Corporation

Box 4111 Pocatello, Idaho 83202

whose current address is Pocatello, Idaho 83202

the following described premises, to-wit:

A parcel of land is the South 1/3 of Section 12, T.4N., R.33E., S.4M., and is Lot 8 (SW1/4, SW1/4) of Section 7, T.4N., R.34E., S.4M., lying South of Interstate Highway 84 and North of U.S. Highway 30 North, more particularly described as follows:

Commencing at the Northwest corner of Section 12, T.4N., R.33E., S.4M.; thence S.00°13'34"W. (basis of bearing per Central Meridian of the East Zone of the Idaho State Plane Coordinate System), along the East line of said Section 12, a distance of 3443.01 feet to THE TRUE POINT OF BEGINNING; thence S.72°28'32"W., parallel with the centerline of U.S. Highway 30 North, Federal Aid Project F.1-1024(1), a distance of 1191.87 feet; thence S.17°23'22"E., a distance of 241.55 feet to a point which is right angles Northwestwardly 75.00 feet from said centerline of U.S. Highway 30 North; thence N.72°34'32"E., parallel with said centerline 1095.44 feet to the beginning of a 1807.54 foot radius curve concave to the south which point is 75.00 feet left of Station 491+36.4 of said U.S. Highway 30 North Survey; thence in a Northeasterly direction along said curve parallel with said centerline of U.S. 30 North, through a central angle of 9°05'53", a distance of 9.71 feet to the East line of said Section 12; thence N.00°13'34"W., along said Section line 33.51 feet to a point on a 5695.33 foot radius curve which center bears S.17°11'32"E., which curve being parallel with and 110.00 feet (measured on the radial line of said curve), Northward from the centerline of said U.S. Highway 30 North; thence in a Northeasterly direction following said curve, through a central angle of 9°05'21", a distance of 101.07 feet; thence N.13°13'17"W., on the radial line of said curve 100.00 feet, to a Southwesterly corner in a parcel of land conveyed to The Food Machinery and Chemical Corporation by Instrument No. 69480 of the official records of Power County; thence N.17°23'22"W., following the boundary line described in said Instrument 161.4 feet; thence S.72°28'32"W., continuing along said parcel boundary line 332.30 feet to the East line of said Section 12, also corner with the West line of Section 7, T.4N., R.34E., S.4M., THE TRUE POINT OF BEGINNING.

together with their appurtenances.

Dated: September 21, 1990

Peter J. Angstadt

Peter J. Angstadt, Mayor

City of Pocatello, Idaho

STATE OF IDAHO, COUNTY OF *Bannock*
On this *21st* day of *Sept.*, 1990,
before me, a notary public in and for said State, personally
appeared *Peter J. Angstadt*
Mayor of Pocatello

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that *he* executed the same,
on behalf of the *City of Pocatello*.

Cera K. Sinsch

Notary Public

Residing at *Pocatello, Idaho*
Comm. Expires *1/11/92*

90012584

NO. *RECORDED AT REQUEST OF*

RACINE, OLSON, NYE, COOPER & Budge

30 OCT -1 11:30

JURIST POWER OF 48,530
BANNOCK COUNTY, IDAHO
LARRY W. SHAN RICHERD
FEE 2.00, DEPUTY TS-CK

Furnished by the AMERICAN LAND TITLE CO., Pocatello, Idaho

Notary Seal

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NOV 16 1992

EXHIBIT F

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5452
WATER RIGHT NO(S). 29-02274/29-02338/29-07375

This is to certify that: CITY OF POCATELLO
PO BOX 4169
POCATELLO ID 83205

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
Right No. 29-02274 :		
MUNICIPAL	01/01 to 12/31	21.00 CFS
Priority: 06/15/1948		
Right No. 29-02338 :		
MUNICIPAL	01/01 to 12/31	14.76 CFS
Priority: 09/01/1953		
Right No. 29-07375 :		
MUNICIPAL	01/01 to 12/31	3.34 CFS
Priority: 02/24/1977		
TOTAL:		* 39.10 CFS

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 10, Township 06S, Range 33E
BANNOCK County
NESE , Sec. 12, Township 06S, Range 33E
POWER County
SWNE , Sec. 15, Township 06S, Range 33E
NWSW , Sec. 15, Township 06S, Range 34E
NENW , Sec. 26, Township 06S, Range 34E
NWSE , Sec. 27, Township 06S, Range 34E
SENE , Sec. 35, Township 06S, Range 34E
SENE , Sec. 35, Township 06S, Range 34E
NWSE , Sec. 35, Township 06S, Range 34E
SESE , Sec. 1, Township 07S, Range 34E
SWSW , Sec. 16, Township 07S, Range 35E
BANNOCK County

MICROFILMED

SEP 14 1974

TRANSFER NO. 5452
WATER RIGHT NO(S). 29-02274/29-02338/29-07375

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 8. The total instantaneous diversion of water from all points of diversion under Transfer 5452 shall not exceed 39.10 cfs.
9. The well(s) previously used under these rights shall be abandoned in a manner which complies with Department well abandonment rules.
10. Place of use is located within the City of Pocatello and the surrounding service area.
11. Two (2) points of diversion are located within SENE, and three (3) points of diversion are located within NWSE, of S35, T06S, R34E.

Dated this 28th day of June, 1999


Chief, Water Allocation Bureau

MICROFILMED

AUG 6 1999

State of Idaho
License and Certificate of Water Right

Water License No. G-24451

Amount 14.76 c.f.s.

Water District No.

Priority September 1, 1953

THIS IS TO CERTIFY that CITY OF POCATELLO, A MUNICIPAL CORPORATION
of Pocatello, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated September 1, 1953; that Permit No. G-24451
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
14.76 second feet, was issued thereunder on December 12, 1958, showing that said works
were completed on the 17th day of September, 1958; and that on the 17th
day of September, 1958, CITY OF POCATELLO
By: W. B. Webb, City Manager

of Pocatello, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of six wells
, a tributary of subterranean, for the purpose of DOMESTIC USE (Municipal)
, under Use Permit No. G-24451 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
11 of Licenses at page 6561, on the 12th day of December, 1958;
The right hereby confirmed dates from September 1, 1953;
The Point of Diversion is located (See below)

in the 1/4 1/4, Sec. , Tp. , R. , B. M. County Bannock & Power

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 14.76 cubic feet per second. Wells #11-1.11c.f.s.; #12-5.20c.f.s.; #13-2.22c.f.s.; #15-1.11c.f.s.; #1-2.20c.f.s.

Description and location of use: DOMESTIC USE IN CITY OF POCATELLO AND ADJACENT AREA

Twp.	Range	Sec.	Section	Description	Well
6 S.	33E.	12	NE 1/4 SE 1/4	Original Pocatello Townsite	Well #11
6 S.	33E.	12	SE 1/4 Lot 17, Blk. 361	Original Pocatello Townsite	Well #12
7 S.	34E.	1	SE 1/4 SE 1/4	Golf Course	Well #13
7 S.	35E.	6	NW 1/4 SE 1/4	Palmer Tract	Well #15
6 S.	33E.	15	SW 1/4 NE 1/4	Phillips Field	Well #1
6 S.	33E.	10	NE 1/4 SE 1/4	Phillips Field	Well #2

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

12th day of December, 1958.

/s/ Geo. N. Carter
State Reclamation Engineer.

(SEAL)

State of Idaho

License and Certificate of Water Right

Water License No. 20611 Amount 21 c.f.s.
 Water District No. _____ Priority June 15, 1948

THIS IS TO CERTIFY that CITY OF POCATELLO, A Municipal Corporation
 of Pocatello, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated June 15, 1948; that Permit No. 20611
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
 21 second feet, was issued thereunder on May 13, 1954, showing that said works
 were completed on the 2nd day of September, 1953; and that on the 17th
 day of September, 1958, CITY OF POCATELLO
 By: W. B. Webb, City Manager

of Pocatello, State of Idaho, made proof to the satisfaction of the
 State Reclamation Engineer of Idaho, of the right to use the waters of nine wells
 , a tributary of subterranean, for the purpose of DOMESTIC USE (Municipal)
 , under Use Permit No. 20611 of the Department of Reclamation
 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
 and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
 11 of Licenses at page 6562, on the 12th day of December, 1958;
 The right hereby confirmed dates from June 15, 1948;
 The Point of Diversion ^{are} located (see below)

in the $\frac{1}{4}$ $\frac{1}{4}$ Sec. , Tp. , R. , B. M. County Bannock

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
 aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
 not exceed 21 cubic feet per second. #2-3, 1c.f.s., #3-1, 1c.f.s., #1-5, 6, 7,
 8, c.f.s., #8-2, 6c.f.s., #9-8c.f.s.
 #10-5, 0c.f.s.

Description and location of use: DOMESTIC USE FOR CITY OF POCATELLO & ADJACENT AREA

Twp.	Range	Sec.	Center of NE $\frac{1}{4}$	Ross Park	Wells
7 S.	34 E.	1			#2 & #3
6 S.	34 E.	35	NW $\frac{1}{4}$ SE $\frac{1}{4}$	Rainey Park	#1's 4, 5, 6 & 7
6 S.	34 E.	15	NW $\frac{1}{4}$ SW $\frac{1}{4}$	No. Pocatello Park	#8
		27	Blk. 557 NW $\frac{1}{4}$	Original Pocatello	#9
		27	Lot 1 NE NW $\frac{1}{4}$	Townsite	
		27	Blk. 219	Original Pocatello	#10
				Townsite- Tydeman Field	

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
 of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
 12th day of December, 1958.

/s/ Geo. N. Carter
 State Reclamation Engineer.

(SEAL)

29-2338

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 32248
Permit No. G- 24451
District No.

1. Name of Applicant: CITY OF POCATELLO, A MUNICIPAL CORPORATION
Postoffice address: Box 1489, Pocatello County: Bannock State: Idaho
2. Quantity of water claimed: 38 cubic feet per second
 - (a) Rate of withdrawal in cubic feet per second 38 c.f.s. or Idaho
Miners' inches 1900 inches or gallons per minute 17,100 g.p.m.
 - (b) Annual withdrawal in acre feet per annum 27,504 acre feet per annum
3. Source of water supply: Deep wells in waters of subterranean origin.
4. Location of point of diversion or well is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section
Twp. , Rge. , B.M., County of Bannock & (See Remarks)
Power
5. Water is to be used for: Municipal & domestic purposes for City of Poc. and adjacent property.
6. If for municipal, industrial or recreational purposes, give:
See maps for areas served
(a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section Twp.
Rge. , B.M.
- (b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: Municipal waterworks system
8. Estimated cost of works: \$
9. (a) Is reservoir to be used? See Maps
(b) Capacity of reservoir: See Maps
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation: 1892, at Pocatello, Idaho
 - (b) Amount of capital stock: \$ (c) Amount paid in: \$
 - (d) Names and addresses of directors: W.B. Webb, City Manager, Ray S. Hunter, Grant Stowell, Ezra Hawkes, Steve Rhoads, Harry B. Yearsley, M. T. Deaton, Fred A. Burton, all of Pocatello, Idaho
 - II. The financial resources of the applicant are (a) Cash on hand: \$
 - (b) Treasury stock: (c) Bonds to be issued:
 - (d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) (cubic feet per second, inches or gallons per minute) is for new lands.

BE IT KNOWN THAT The undersigned hereby makes appli cation for permit to appropriate the public waters of the State of Idaho as herein set forth.

By W. B. Webb Agent.

Corrected application received:

The number of this permit is 6-24451

Recorded in Book 87 Page 24451 Approved September 17, 1953

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before November 17, 1953

and to continue diligently and uninterruptedly to completion,
the permit holder has no control

One-fifth of the work above specified to be completed on or before March 17, 1956

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before September 17, 1958.

Witness my hand this 17th day of September, 1953

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, LEN JORDAN, Governor of the State of Idaho,
and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 17th
day of September, 1953

Countersigned:

STATE OF IDAHO

(SEAL)

By IRA H. MASTERS

By LEN JORDAN

Governor

Secretary of State.

By Paula L. Fleenor

Acting Secretary of State

12.

Twp.	Range	Sec.	NE¼	NW¼	SW¼	SE¼	Totals
			NE¼ NW¼ SW¼ SE¼	NE¼ NW¼ SW¼ SE¼	NE¼ NW¼ SW¼ SE¼	NE¼ NW¼ SW¼ SE¼	
See Map Also			DESCRIPTION OF DIVERSION POINTS				
<u>Well Number</u>			<u>Located at</u>				<u>Anticipated Capacity</u> <u>c.f.s.</u> <u>G.P.M.</u>
Army Airbase No.	1		Phillips Field at intersection of 2nd Ave. and U.S. 30 N. in the SW¼ NE¼ 15-6-33, B.M.				3 1350
Army Airbase No.	2		Phillips Field at intersection of 10th Ave. and C St. in NE¼ SE¼ 10-6-33, B.M.				3 1350
City of Poc. No.	11		Old Airport near U.S. 30 N. in the NE¼ SE¼, 12-6-33, B.M.				1 450
City of Poc. No.	12		No. 3 Fire Station in the NE¼ NE¼, 27-6-34, B.M.				5 2250
City of Poc. No.	13		Golf Course in the NW¼ NE¼ 12-7-34, B.M.				1 450
City of Poc. No.	14		Golf Course in the SE¼ SE¼ 1-7-34, B.M.				5 2250
City of Poc. No.	15		Ross Park in the NE¼ SE¼ 1-7-34, B.M.				5 2250
City of Poc. No.	16		Caldwell Park in the NE¼ SE¼ 26-6-34, B.M. ✓				5 2250
City of Poc. No.	17		Brady Park in the SW¼ SW¼ 26-6-34, B.M. ✓				5 2250
City of Poc. No.	18		Northland addn't at intersection of Everett and Eldredge in the SE¼ SE¼, 15-6-34, B.M. ✓				5 2250
							38 17,100

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. G-24451

Comes now City of Pocatello and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-24451.

That the point of diversion is described in said permit as being located at No. 3 Fire Station in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 27-6-34, E. B. M.

That he now requests that the point of diversion be changed to a point located in SW portion of Lot 17, Block 361, Original Pocatello Townsite.

That his reasons for desiring to make such change are as follows: The previous location of Well No. 12 at No. 3 Fire Station proved to be an unfavorable well field and a point of diversion was needed at Lot 17, Block 361, Original Townsite of Pocatello.

That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Pocatello, Idaho, this 17 day of March, 1955,

W. B. WEBB, City Mgr.

Date of receipt at Department of Reclamation March 18, 1955.

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-24451. This approval constitutes a new permit and is issued as an amendment to the original Permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

MARK R. KULP
State Reclamation Engineer

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. G-24451

Comes now City of Pocatello and represents to the State Reclamation Engineer of the State of Idaho: That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-24451. That the point of diversion is described in said permit as being located Proposed Well #15 Ross Park in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ 1-7-34 E.M. That he now requests that the point of diversion be changed to a point located on Lot 9, Block 3, Palmer Tracts, a subdivision of the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 6, T. 7 S. R. 35 E.B.M. That his reasons for desiring to make such change are as follows: The city has purchased and is operating for domestic purposes, an unfilled-on-well at the new point of diversion which is in the same general area.

That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Pocatello, Idaho, this 7th day of December 1955

/s/ City of Pocatello, Idaho
W. B. Webb, City Mgr.

Date of receipt at Department of Reclamation
December 10, 1956.

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-24451. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

/s/ Mark R. Kulp
State Reclamation Engineer

Recorded: January 7, 1957

Point of Diversion now: On Lot 9, Block 3, Palmer Tracts, A Subdivision of the
NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, Twp. 7 S. R. 35 E.B.M.

((
))

Application for Amendment
To Permit to Appropriate the Public Waters
of the State of Idaho; No. G-24451

Comes now CITY OF POCATELLO, IDAHO, and represents to the State Reclamation Engineer of the State of Idaho. That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. G 24451, and requests that the point of diversion as described in said permit, be changed to read as follows: The point of diversion in said permit reads NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 12, T7S, R34E BM. The well was moved easterly approximately 400' and the City of Pocatello requests that the point of diversion be changed to read SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 1, T7S- R34E BM. The original location proved to be in an unfavorable well field. That the rights of others will not be adversely affected by such change, and that such change will be made at Permit Holder's own risk.

Signed at Pocatello, Ida, this 25th day of September, 1958

/s/ W. B. Webb
W. B. Webb, City Mgr.

Date of receipt at office of Department of Reclamation
September 29, 1958.

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. G-24451. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

/s/ Geo. N. Carter
State Reclamation Engineer

Recorded: September 29, 1958.

Permit No. G-24451

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to certify that CITY OF POCATELLO, A MUNICIPAL CORPORATION of Pocatello, County of Bannock, and State of Idaho, the holder of Permit No. G-24451, issued upon Application No. G-32248 bearing date of priority of September 1, 1953, authorizing the diversion of 38 second feet of waters of Deep wells in waters of subterranean origin Counties of Bannock & Power, State of Idaho, for Municipal & domestic (City of Poc. & adjacent property) purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 14.76 second feet of the waters of subterranean flow from six wells (#11-1.1 c.f.s.; #12-6.20c.f.s.; #13-2.22c.f.s.; #15-1.11c.f.s.; #1-2.20c.f.s.; #2-1.92c.f.s.) that the points of diversion of said waters NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 12, T6S-R33E BM; Lot 17, Blk 361 Original Pocatello Twonsite; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 1, T7S-R34E BM; NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 6, T7S-R35E BM; SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 15, T6S-R33 E BM-Phillips Field; NE $\frac{1}{4}$ SE $\frac{1}{4}$ S.c. 10, T6S-R33E BM-Phillips Field. and that proposed use of said water is described as follows, to-wit: FOR DOMESTIC (Municipal) USE IN CITY OF POCATELLO AND ADJACENT AREA Proof of Completion of Works made: September 17, 1958

Witness my hand this 12th day of December, A.D. 1958

/s/ Geo. N. Carter
State Reclamation Engineer

Proof of Completion of Works made: September 17, 1958
Certificate of Completion of Works issued: December 12, 1958.

LICENSE ISSUED FOR 476 SEC. 11.

Page 6561

MEMORANDUM

SCANNED

APR 30 2000

TO: FILE 29-02338

FROM: PAM SKAGGS

RE: TRANSFER # 5452

DATE: 5-4-99

=====

Original Transfer Application, Form and correspondence regarding the above referenced Transfer is located within file # 29-02274.

MICROFILMED

AUG 09 1999

MEMORANDUM

TO: Files 29-02274, 29-02338 & 29-07375

FROM: Pam Skaggs^{CS}/State Office

SUBJECT: Transfer 5452

DATE: June 18, 1999

Transfer 5452 changes and adds points of diversion under Rights 29-02274, 29-02338 and 29-07375. The city has closed some of their well due to groundwater pollution. The transfer identifies all the wells currently used and the addition of a new well under these combined municipal use rights.

A map identifying the specific locations of the points of diversion has been requested from region staff. Recommended conditions include drilling permit requirements, well abandonment requirements, water quality, multiple points of diversion/measuring devices, annual measuring & reporting, and standard transfer conditions.

MICROFILMED
AUG 09 1999

December 12, 1958

Re: Permit No. G-24451
City of Pocatello, A Municipal Corporation

City of Pocatello
W. B. Webb, City Manager
P. O. Box 1489
Pocatello, Idaho

Dear Mr. Webb:

Enclosed is the Certificate of Completion of Works and the License
and Certificate of Water Right issued under Permit No. G-24451, also,
departmental receipt #G-3751 for fees.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Chief Clerk

EPR:nls
Enc.

B24451

RT

November 14, 1958

Re: Permit No's, G-24451 and 20611

City of Pocatello
City Clerk
P. O. Box 1489
Pocatello, Idaho

Dear Sir:

Enclosed are vouchers on Permit No. G-24451 and 20611
signed, as requested.

Very truly yours,

GEO. W. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR/lm
Enclosures (2)

24451

November 4, 1958

Re: Permit No. G-24451
City of Pocatello, A Municipal Corporation

City of Pocatello
W. B. Webb, City Manager
P. O. Box 1489
Pocatello, Idaho

Dear Mr. Webb:

Our field engineer's report on his inspection of the completion of works and beneficial use of the water under the terms of Permit No. G-24451 shows that wells number 11, 12, 13, 15, 1 and 2 are capable of conveying for domestic use the following amounts of water:

Wells	Points of Diversion	Cubic Feet Per Second
11	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 12, T6S-R33E	1.11
12	Lot 17, Blk 361 Original Pocatello Townsite	6.20
13	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 1, T7S-R34E	2.22
15	NW $\frac{1}{4}$ SE $\frac{1}{4}$ S. 6, T7S-R35E	1.11
1	SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 15, T6S-R33E, PhillipsField	2.20
2	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 10, T6S-R33E, PhillipsField	1.92

Upon receipt of the statutory fees, totaling \$11.50, we will issue the Certificate of Completion of Works (for which the fee is six dollars and fifty cents--based at the rate of five dollars for the first ten cubic feet and thirty cents for each additional foot or fraction thereof) and the License and Certificate of Water Right (five dollars) confirming the right with priority of September 1, 1953, to the use of 14.76 second feet of subterranean water from wells 11, 12, 13, 15, 1 and 2, with points of diversion as described above, for domestic use in the City of Pocatello and adjacent property.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

824451

Chief Clerk

EPR:nls

R7

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

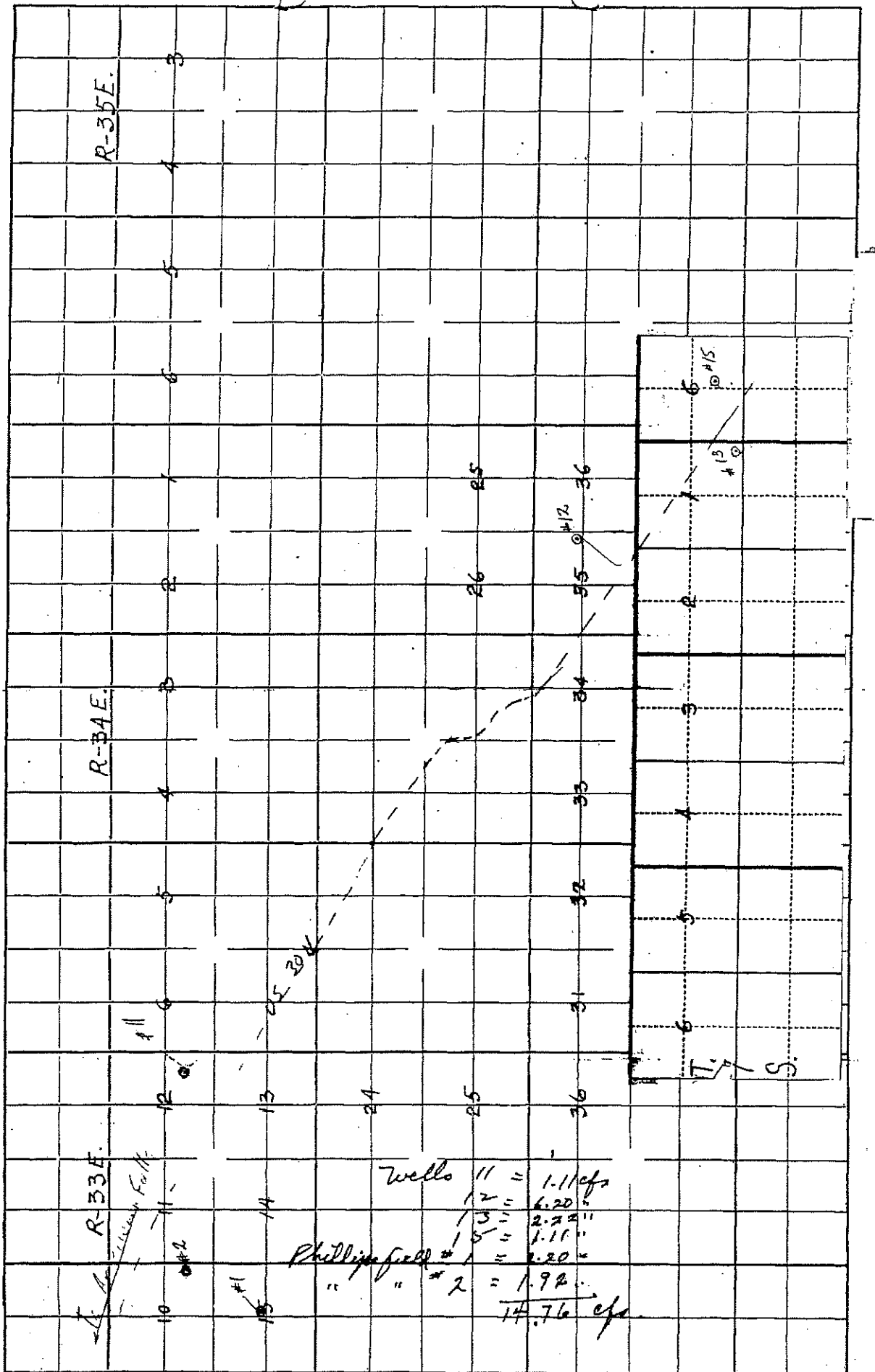
REPORT OF ENGINEER

PERMIT NO. G-24451

REPORT ON PROOF OF COMPLETION OF WORKS AND BENEFICIAL USE

City of Pocatello, A Municipal Corporation
c/o W. B. Webb, City Manager
P. O. Box 1489
Pocatello, Idaho

Appl. 38 c.f.s.



Scale: 2 Inches Equals 1 Mile. Draw Map in Ink.

T.S.

124451

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. G-24451This proof is for C/W & Beneficial Use

In Water District No. _____

1. Name of applicant City of Pocatello, A Municipal Corporation - Pocatello, Idaho
2. Source of water supply: Deep wells in waters of subterranean origin
3. Location of point of diversion: Is in the _____ of Section _____
T. _____ R. _____ County of Bannock & Power
4. Describe works as they exist, giving dimensions and capacities of same: _____

5. Water is used for: Municipal & domestic purposes for City of Pocatello and adjacent property.6. State whether or not water has been turned into works of diversion: _____

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

City of Pocatello - and adjacent property.

The use of wells #11 and #1 & #2 at Phillips Field will be granted at capacity on basis of past usage and there is at present no apparent usage for so much water.

There is very little if any irrigation.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: *Presumably the wells would not have been drilled if they were not needed.*

See Report in # 20611

c/w for 14.76 cfs.

B/U " " "

This examination was made on the 10 day of October, 1958(Signed) E. H. Humphrey Examiner.

S24451

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-24451This proof is for C/W & Beneficial Use

In Water District No. _____

1. Name of applicant City of Pocatello, A Municipal Corporation - Pocatello, Idaho
2. Source of water supply: Deep wells in waters of subterranean origin

POINTS OF DIVERSION

- | | |
|---------------------------------------|---|
| ✓ #1 Phillips Field | ✓ SW ¹ / ₄ NE ¹ / ₄ Section 15, Township 6 South, Range 33 East |
| ✓ #2 " | ✓ NE ¹ / ₄ SE ¹ / ₄ Section 10, Township 6 South, Range 33 East |
| ✓ #11 Old Airport <i>Map in Boise</i> | ✓ NE ¹ / ₄ SE ¹ / ₄ Section 12, Township 6 South, Range 33 East |
| ✓ #12 Original Pocatello Townsite | ✓ Lot 17, Blk. 361 SE ¹ / ₄ NE ¹ / ₄ Sec. 35, T. 6 S. R. 34 E. |
| ✓ #13 Golf Course | ✓ SE ¹ / ₄ SE ¹ / ₄ Section 1, Township 7 South, Range 34 East |
| Not in prop? - (14) " " | ✓ SE ¹ / ₄ SE ¹ / ₄ Section 1, Township 7 South, Range 34 East |
| ✓ #15 Palmer Tract | ✓ NW ¹ / ₄ SE ¹ / ₄ Section 6, Township 7 South, Range 35 East |
| Not in prop? - (16) Caldwell Park | ✓ NE ¹ / ₄ SE ¹ / ₄ Section 26, Township 6 South, Range 34 East |
| ✓ #17 Brady Park | ✓ SW ¹ / ₄ SW ¹ / ₄ Section 26, Township 6 South, Range 34 East |
| ✓ #18 Northland Add'n | ✓ SE ¹ / ₄ SE ¹ / ₄ Section 15, Township 6 South, Range 34 East |

- ✓ 5. Water is used for: Municipal & domestic purposes for City of Pocatello and adjacent property.

6. State whether or not water has been turned into works of diversion: _____

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

✓ City of Pocatello - and adjacent property.

The use of wells #11 and #1 & #2 at Phillips Field will be granted at capacity on basis of past usage and there is at present no apparent usage for so much water.

There is very little if any irrigation.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: *Presumably the wells would not have been drilled if they were not needed.*

See Report in # 20611

C/W for 14.76 cfs.

B/4 " " "

This examination was made on the 10 day of October, 1958

(Signed) E. N. Humphrey Examiner.

824451

City of Pocatello, Idaho
C/O W. B. Webb, City Mgr.
P. O. Box 1189, Pocatello, Idaho
937-PH
Permit No. G-24451

Examination for C/M & Beneficial Use

County Bannock & Power
See list inside

Gz 38.0 c.f.s.

Sz Wells.

P.D. = see list inside

Van Mamical, Domestic

Filed - Sept. 1, 1953

Due - Sept 17, 1958

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
OCT 30 1958

Department of Reclamation

September 30, 1958

Re: Permits No. 20611 and G-24451
City of Pocatello, A Municipal Corporation

Mr. W. B. Webb, City Manager
City of Pocatello
P. O. Box 1489
Pocatello, Idaho

Dear Mr. Webb:

This acknowledges receipt of the Depositions of Holder and two Witnesses, the Affidavits of the Notary Public, and the Affidavits of Publication in The Idaho State Journal in proof of beneficial use under Permit No. 20611 and completion of works and beneficial use under Permit No. G-24451.

Before these permits are licensed, the Law requires that a field examination be made by an engineer from this department. At this time we cannot say just when this will be made but our field engineer will contact you prior to the time he is to make the inspection so that you can arrange for someone to accompany him.

Enclosed is the Application for Amendment to Permit No. G-24451 as approved by the State Reclamation Engineer and recorded in the Department of Reclamation in Book 87 of Permits at Page 24451 amending the point of diversion described in permit as in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, Township 7 South, Range 34 East, B.M. to be changed to location in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, Township 7 South, Range 34 East, B.M. This amendment should now be attached to the original permit to which it refers and of which it becomes a part.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Chief Clerk

EPR:nls
Enc.

Application for Amendment
To Permit to Appropriate the Public Waters
of the State of Idaho, No. G-24451

Comes now CITY OF POCASTELLO, IDAHO, and represents to the State Reclamation Engineer of the State of Idaho.

That he is the owner and holder of Permit to Appropriately the Public Waters of the State of Idaho, No. G 24451, and requests that the ~~point of diversion~~ ^{point of diversion} as described in said permit, be changed to read as follows:

The point of diversion in said permit reads NW1/4 of Sec 12, T7S, R34 EBM.

The well was moved easterly approximately 400' and the City of Pocatello requests that the point of diversion be changed to read SE1/4 SE1/4 of Sec 1, T7S, R34 E BM

The original location proved to be in an unfavorable well field

~~That no additional point of diversion is proposed for~~ and that the rights of others will not be adversely affected by such change, and that such change will be made at Permit Holder's own risk.

Signed at Pocatello, Ida. this 25th day of September, 1958.

W. B. Webb, City Mgr.

Date of receipt at office of Department of Reclamation September 29, 1958

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to Appropriately the Public Waters of the State of Idaho, No. G-24451. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Recorded: September 29, 1958
Book 87 of Permits at Page 24451
DEPARTMENT OF RECLAMATION

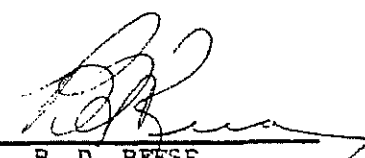
G. N. Carter
State Reclamation Engineer

G 24451

AFFIDAVIT

I, B. D. REESE, NOTARY PUBLIC FOR STATE OF IDAHO, RESIDING
AT POCA TELLO, IDAHO DO HEREBY CERTIFY THAT MY OFFICE WAS OPEN
DURING THE HOURS OF 9:00 AM TO 5:00 PM SEPTEMBER 16, 1958, FOR
THE FILING OF PROTESTS IN CONNECTION WITH PERMITS NO. 20611 AND
G-24451, "TO APPROPRIATE THE SUBTERRANEAN WATER OF THE STATE OF
IDAHO", BY THE CITY OF POCA TELLO, AND THAT NO PROTESTS WERE FILED
EITHER ORALLY OR IN WRITING.

(SIGNED)


B. D. REESE

POCA TELLO, IDAHO
SEPT 24, 1958

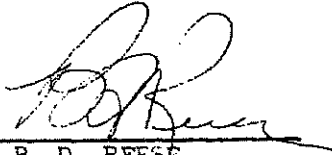
G-24451

5000

AFFIDAVIT

I, B. D. REESE, NOTARY PUBLIC FOR STATE OF IDAHO, RESIDING
AT POCA TELLO, IDAHO DO HEREBY CERTIFY THAT MY OFFICE WAS OPEN
DURING THE HOURS OF 9:00 AM TO 5:00 PM SEPTEMBER 16, 1958, FOR
THE FILING OF PROTESTS IN CONNECTION WITH PERMITS NO. 20611 AND
G-24451, "TO APPROPRIATE THE SUBTERRANEAN WATER OF THE STATE OF
IDAHO", BY THE CITY OF POCA TELLO, AND THAT NO PROTESTS WERE FILED
EITHER ORALLY OR IN WRITING.

(SIGNED)


B. D. REESE

POCA TELLO, IDAHO
SEPT 24, 1958

AFFIDAVIT

I, B. D. REESE, NOTARY PUBLIC FOR STATE OF IDAHO, RESIDING
AT POCA TELLO, IDAHO DO HEREBY CERTIFY THAT MY OFFICE WAS OPEN
DURING THE HOURS OF 9:00 AM TO 5:00 PM SEPTEMBER 16, 1958, FOR
THE FILING OF PROTESTS IN CONNECTION WITH PERMITS NO. 20611 AND
G-24451, "TO APPROPRIATE THE SUBTERRANEAN WATER OF THE STATE OF
IDAHO", BY THE CITY OF POCA TELLO, AND THAT NO PROTESTS WERE FILED
EITHER ORALLY OR IN WRITING.

(SIGNED)


B. D. REESE

POCA TELLO, IDAHO
SEPT 24, 1958

G 24451

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

Darlene Rice

NOTICE OF PROOF OF
COMPLETION OF WORK
AND
APPLICATION OF WATER
TO REMEDIATION USE
Notice is hereby given that
A.M. on the 18th day of Sep
1958, at Pocatello, County o
Bannock, State of Idaho, before
Reggie, Notary Public, pres
submitted of the completion o
for the diversion of 14 cubic f
second of underground water
a well and of the applica
beneficial use of said water,
in accordance with the terms and
conditions of Permit No. 62451, he
issued by the Department of
Water.
Army Airbase No. 1, Pocatello
the S
Army Airbase No. 2, Pocatello
in the
City of Pocatello, No. 11, Old Al
SE 1/4
City of Pocatello, No. 12, SW 1/4
Pocatello
City of Pocatello, No. 13, Golf C
City of Pocatello, No. 14, On Lo
NW 1/4
5. The place where said
used is City of Pocatello.
6. The date of priority wh
user is prepared to establish
before me, 1958.

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being first duly sworn on oath deposes and says: That.....She.....
was at all times herein mentioned a citizen of the United States of
America, more than 21 years of age, and the Principal Clerk of THE
IDAHO STATE JOURNAL, a daily newspaper, printed and published at
Pocatello, Bannock County, Idaho, and having a general circulation
therein.

That the document or notice, a true copy of which is attached, was
published in the said IDAHO STATE JOURNAL, on the following dates,
to-wit:

June 26, 19.58, 19.....
July 3, 19.58, 19.....
July 10, 19.58, 19.....
July 17, 19.58, 19.....
19....., 19....., 19.....

That said paper has been continuously and uninterruptedly pub-
lished in said County for a period of seventy-eight weeks prior to the
publication of said notice or advertisement and is a newspaper within
the meaning of the laws of Idaho.

Darlene Rice

Subscribed and sworn to before me this.....17th.....

day of July, 19.58

Q. Q. Q. J

Notary Public, State of Idaho

Residence: Pocatello, Idaho

B24451

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

Darlene Rice

NOTICE OF PROOF OF COMPLETION OF WORKS and APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 A.M., on the 16th day of September, 1958, at Pocatello, County of Bannock, State of Idaho, before B. D. Reese, Notary Public, proof will be submitted of the completion of works for the diversion of 14 cubic feet per second of underground waters from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. C24481 heretofore issued by the Department of Reclamation of the State of Idaho.

Well	Location	Capacity
Army Airbase No. 1	Phillips Field at 2nd Ave. & US30N in the SW1/4, NE1/4, 15-6-33 B. M.	3 cfs
Army Airbase No. 2	Phillips Field at 10th Ave & C St. in the NE1/4, SE1/4, 19-6-33 B. M.	3 cfs
City of Poca. No. 11	Old Airport near US30N in the NE1/4, SE1/4, 12-6-33	1 cfs
City of Poca. No. 12	SW portion of lot 17, Block 361, original Pocatello Townsite, Pocatello, Idaho. (amended location)	5 cfs
City of Poca. No. 13	Golf Course, in the NW1/4, NE1/4, 12-7-34	1 cfs
City of Poca. No. 15	On Lot 8, Block 2, Palmer Tracts, in the NW1/4, SE1/4, 5-17-33 B.M. (amended location)	1 cfs
		31 cfs

5. The place where said water is used is City of Pocatello.
6. The date of priority which said user is prepared to establish is September 1, 1953.

E. K. HUMPHREY
Deputy State
Reclamation Engineer
June 28, July 3, 10, 17, 1958.

I, Darlene Rice, being duly sworn on oath deposes and says: That.....She.....
is herein mentioned a citizen of the United States of
more than 21 years of age, and the Principal Clerk of THE
JOURNAL, a daily newspaper, printed and published at
Bannock County, Idaho, and having a general circulation
document or notice, a true copy of which is attached, was
in said IDAHO STATE JOURNAL, on the following dates,

Sept. 26....., 19.58 19.....
Oct. 3....., 19.58 19.....
Nov. 10....., 19.58 19.....
Dec. 17....., 19.58 19.....
Jan. 19....., 19....., 19.....

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Darlene Rice

Subscribed and sworn to before me this..... 17th.....

day of..... July....., 19.58

Notary Public, State of Idaho
Residence: Pocatello, Idaho

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G 24451

Proof of Application of Water to Beneficial Use

and Completion of Works
Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. W. B. Webb, City Manager, City of Pocatello,
Box 1489, Pocatello, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. See Question 1

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. G 24451 Sept 1 1953 Priority Sept 1, 1953

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. See appendage

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprink-

Ans. See appendage

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. City of Pocatello, Domestic Water Supply

G24451

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G 24451

Proof of Application of Water to Beneficial Use

and Completion of Works Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. W. B. Webb, City Manager, City of Pocatello,
Box 1489, Pocatello, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. See Question 1

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. G 24451 Sept 1 1953 Priority Sept 1, 1953

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. See appendage

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump, state discharge of pump and tell how it was measured or determined. If sprink-

Wells	Location	Output	Trans Wks	Depth	Lvl	Casing	Metered?
Army Airbase #1	Phillip's Field, at 2nd Ave & US30N in SW 1/4 NE 1/4 15-6-33	3 cfs	Airbase Water Sys	203'	59.8'	12"	No*
" " #2	Phillip's Field, at 10th Ave & C St.	3 cfs	"	214	32	12	No *
City of Poca #11	Old Airport near US30N, NE 1/4 SE 1/4 12-6-33	1 cfs	Old Airport Water Sys	113	65.5	8	No *
" " #12	Lot 17, Blk 361, Poca orig townsite	5 cfs	City of Poca Dist Sys	132	33-35	20	Yes
" " #13	Golf Course in SE 1/4 SE 1/4 1-7-34	1 cfs	Golf Course sys conn to City system	101	19.6	14	No *
" " #15	Lot 9, Blk 3, of Palmer Tracts, in NW 1/4 SE 1/4 6-7-35	1 cfs	City of Poca Dist Sys	est 100'	60-64	10"	Yes

* Production measured in measuring devices with pump mfg's graphs.

G 24451

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. City of Pocatello Domestic Water Supply

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 9.3 cfs (yr av) 2.1 cfs Min 32.0 cfs Max 1958

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. Not app

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. City of Pocatello Domestic Water Supply

Est Min .5 cfs Est Max 14 cfs 1958

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. Waters under Permit 20611 27 cfs

Surface waters from Mink, Gibson Jack, and Cusick Creeks, under Idaho Decree

(Sign)

W. B. Webb
W. B. Webb, City Manager

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in POCATELLO County of BANNOCK, State of Idaho, on this 17th day of SEPTEMBER, A. D. 1958.

[Signature]
NOTARY PUBLIC

My commission expires JULY 21, 1960

24451

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G 24451

Proof of Application of Water to Beneficial Use

Deposition of Witness ~~and Completion of Works~~

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. John D. Perkins, Age 40, Residence, 248 So. 11th, Pocatello, Idaho.
Chief of Police, Pocatello, Idaho.

Ques. 2. Are you acquainted with City of Pocatello, the holder of Permit No. G 24451 ? How long have you known him and where does he reside?

Ans. Yes

Ques. 3. Have you read or heard read said Permit No. G 24451, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Subterranean origins, Wells and pumps into the City of
Pocatello water distribution system

(See disposition of holder)

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. Varies with demand Exceeds 14 cfs

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. 14 cfs (metered)

24451

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. City of Pocatello Domestic Water Supply

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. City of Pocatello Domestic Water Supply

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Not app

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. As resident of Pocatello and user of water only

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Have seen pumps in operation etc.

(Signed)

John Perkins

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in POCATELLO, County of BANNOCK, State of Idaho, on this 17th day of SEPTEMBER, A. D. 1958.

B. B. Ream

Notary Public.

My commission expires July 21, 1960

B24451

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G 24451

Proof of Application of Water to Beneficial Use

Deposition of Witness and Completion of Works

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Glenn Hadley, Age 44, 408 N 10, Pocatello, Idaho
Chief of Detectives, City Police, Pocatello, Idaho

Ques. 2. Are you acquainted with City of Pocatello, the holder of Permit No. G 24451? How long have you known him and where does he reside?

Ans. Yes

Ques. 3. Have you read or heard read said Permit No. G 24451, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Subterranean origins, Wells and pumps into the City of
Pocatello Distribution System

(See disposition of holder)

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. Varies with demand, exceeds 14 cfs

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. 14 cfs (metered or otherwise measured)

G 24451

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. City of Pocatello Domestic Water Supply

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. City of Pocatello Domestic Water Supply

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Not app

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. As resident of Pocatello and user of water only

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Have seen pumps in operation etc.

(Signed)

Glen Hadley

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in POCATELLO,
County of BANNOCK, State of Idaho, on this 17 day of September,
A. D. 1958.

[Signature]
Notary Public.

My commission expires July 21, 1960

824451

September 19, 1958

Re: Permit No's - 20611 and G-24451

Mr. W. B. Webb
City Manager
P. O. Box 1489
Pocatello, Idaho

Dear Mr. Webb:

Reference is made to your letter of September 17, 1958, enclosing depositions in Proof of Beneficial Use on Permit No. 20611 and Completion of Works and Beneficial Use on Permit No. G-24451.

In checking these depositions, we find the following discrepancies.

1. Permit No. 20611 describes the location of wells 4, 5, 6 and 7 in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35, Township 6 South, Range 34 East, B. M., and well No. 8 in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, Township 6 South, Range 34 East. These descriptions seem to be reversed in Question 4 and 6 in the deposition of holder.
- 2(a) Permit No. G-24451 describes the well at the Army Air Base as in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, Township 6 South, Range 33 East, whereas your depositions give it in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, Township 6 South, Range 33 East, B. M.
- 2(b) Permit No. G-24451 describes well No. 13 (Golf Course) in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, Township 7 South, Range 34 East, B. M., but the map with the permit shows it in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12 - (which is correct)?
- 2(c) The permit shows well No. 15 (Palmer Tracts) in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, Township 7 South, Range 35 East, B. M., whereas your depositions show it in Township 33 South. We note that this is an amended tract and we are enclosing a form of Application for Amendment herewith, to be executed and returned to this department for approval and record.

*See reply from City of Pocatello
9/20/58*

G-24451

W. B. Webb

-2-

September 19, 1958

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If the other discrepancies mentioned are errors in the depositions they may be corrected, otherwise amended applications will also be necessary.

Question (4) of the depositions of the witnesses are incomplete in that they do not give the points of diversion, however, since this is answered in detail in the depositions of the holder, all that is necessary will be to have the depositions of the witnesses refer to the answers of the holder.

Affidavit of publication in the Idaho Journal are a part of the publication and should accompany the depositions.

Since the published notice set September 16th as the date set for making proofs, and the depositions are dated September 17th, it will be necessary for the Notary Public to furnish affidavits to the effect that his office was open at the time set for proofs and that no protests were filed (if such is the case).

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Mrs. Edna P. Rutledge
Chief Clerk

EPR:lw

Enclosures

Depositions of Holder & 2 Witnesses - Permit No. 20611
Depositions of Holder & 2 Witnesses - Permit No. G-24451
Application for Amendment

24451

GEO. N. CARTER
~~XXXXXXXXXX~~

July 30, 1958

Re: Permit No. G-24451
City of Pocatello

Idaho State Journal
Pocatello
Idaho

Gentlemen:

To confirm correct publication, may we please have copy or tear-sheet
of the issue of the Idaho State Journal containing first publication
of Notice of Completion of Works and Beneficial Use - City of Pocatello.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Chief Clerk

EPR:nls

8 24451

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION

BOISE

RE: Permit No. G-24451

Date July 1, 1958

City of Pocatello
P. O. Box 1489
Pocatello, Idaho

Dear Sir:

The date for proofs of completion of works and application of water to beneficial use, as set out under the terms of Permit No. G-24451 are due not later than September 17, 1958.

Before these proofs can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county in which the land is located. In completing the Notice of proof for publication, the information should be taken from your Permit, including any amendments made in connection with a change of point of diversion or land list which has been recorded in this department. If changes have been made on no amendments are on record, we advise that you request a form for this purpose before your Notice is published.

We enclose Form 36, in duplicate, which is to be filled out and returned to this department at least forty (40) days before the above mentioned date, (allowing for four weeks publication). Please give the name of the town, the address of the place where the depositions will be executed, and, the name of the notary public before whom you will appear to make the depositions of proof (this may be at any place convenient for you and your two witnesses), the quantity of water filed; for what purpose it is used; the point or points of diversion; and the location of use or the lands which are irrigated--all by legal land description.

Enclosed also is Form 11, which is the authorization for us to have the notice published in the designated county newspaper at your expense. This is to be returned with Form 36.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set, at the place named and before the notary public, as advertised in the publication notice.

Very truly yours,
GEO. N. CARTER
~~XXXXXXXXXX~~
State Reclamation Engineer

Enclosures

G-24451

June 20, 1958

Re: Permit No. G-24451
City of Pocatello

Mr. W. B. Webb
City Manager
City of Pocatello
Pocatello, Idaho

Dear Mr. Webb:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-24451. This proof is to be made on the 16th day of September, 1958, at 10:00 A. M., before E. D. Reese, Notary Public.

As of this date we have mailed the Notice to the Idaho State Journal, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then to mail the affidavit of publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses, who are familiar with the terms of the Permit and the work done thereunder, at the place, on the date, at the time and before the Notary as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and all depositions (Holder and two witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

E. N. HURCHES
Deputy State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:lw
Enclosures - 3
cc: E. D. Reese, Notary Public

June 20, 1958

Re: Permit No. G-24451
City of Pocatello

Mr. W. B. Webb
City Manager
City of Pocatello
Pocatello, Idaho

Dear Mr. Webb:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-24451. This proof is to be made on the 16th day of September, 1958, at 10:00 A. M., before B. D. Reese, Notary Public.

As of this date we have mailed the Notice to the Idaho State Journal, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then to mail the affidavit of publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses, who are familiar with the terms of the Permit and the work done thereunder, at the place, on the date, at the time and before the Notary as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and all depositions (Holder and two witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

E. N. HUMPHREY
Deputy State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:lw

Enclosures - 3

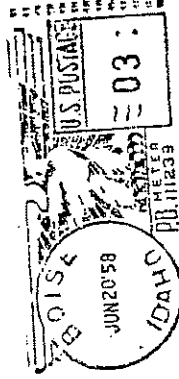
cc: B. D. Reese, Notary Public

G-24451

AFTER 5 DAYS, RETURN TO
DEPARTMENT OF RECLAMATION
STATE HOUSE
BOISE, IDAHO

Mr. B. D. Reese
Notary Public
Pocatello, Idaho

824451



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date: June 20, 1958

Re: Permit No. G-24451
City of Pocatello

Idaho State Journal
Pocatello, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to September 16, 1958 the date set for proof; the expense of the publication is to be paid by the applicant,

City of Pocatello of Pocatello, Idaho, % W. B. Webb, City Manager
to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy of the first publication.

Very truly yours,

Deputy E. N. Humphrey
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

24451

RWT:lw
Encls.

RECEIVED
JUN 19 1958

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) June 13, 1958
(P. O.) Pocatello, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Idaho State Journal of Pocatello, Idaho published in
the county in which the works are situated.

Bannock Co.

W B Webb
W. B. Webb, City Manager
City of Pocatello, Idaho

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

824451

RECEIVED
JUN 19 1958
Department of Reclamation

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 A. M., on the 16th
day of September, 19 58, at Pocatello, County
of Bannock, State of Idaho, before
B. D. Reese, Notary Public, proof will be submitted of the completion
of works for the diversion of 14^{38.04} cubic feet per second of underground
waters from a well, and of the application to beneficial use of said water, in
accordance with the terms and conditions of Permit No. G24451 hereto-
fore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding
said permit are City of Pocatello, Pocatello, Idaho

2. Said works of diversion will be fully completed on the date set for
such completion, and the amount of water which said works are capable of
conveying to the place of use is 14 cubic feet per second.

3. The use to which said water has been applied is Domestic,
Municipal water system purposes, and the amount applied to beneficial use is
14 cubic feet per second.

5. The place where said water is used is City of Pocatello

6. The date of priority which said user is prepared to establish is
September 1, 1953.

E. N. Humphrey
Deputy State Reclamation Engineer

RECEIVED
JUN 19 1958
Department of Reclamation

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 A. M., on the 16th
day of September, 19 58, at Pocatello, County
of Bannock, State of Idaho, before B. D. Reese, Notary Public, proof will be submitted of the completion
of works for the diversion of 14^{38.0} cubic feet per second of underground
waters from a well, and of the application to beneficial use of said water, in
accordance with the terms and conditions of Permit No. G24451 hereto-
fore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding
said permit are City of Pocatello, Pocatello, Idaho

2. Said works of diversion will be fully completed on the date set for
such completion, and the amount of water which said works are capable of
conveying to the place of use is 14 cubic feet per second.

3. The use to which said water has been applied is Domestic,
Municipal water system purposes, and the amount applied to beneficial use is
14 cubic feet per second.

Well	Location	Capacity
Army Airbase No. 1 ✓	Phillip's Field at 2nd Ave & US30N in the SW $\frac{1}{4}$, NE $\frac{1}{4}$, 15-6-33 B. M.	3 cfs
Army Airbase No. 2 ✓	Phillips Field at 10th Ave & C St., in the NE $\frac{1}{4}$, SE $\frac{1}{4}$, 10-6-33 B. M.	3 cfs
City of Poca. # 11 ✓	Old Airport near US30N in the NE $\frac{1}{4}$, SE $\frac{1}{4}$, 12-6-33	1 cfs
City of Poca. # 12 ✓	SW portion of lot 17, Block 361, original Pocatello Townsite, Pocatello, Idaho. (amended location)	5 cfs
City of Poca. # 13 ✓	Golf Course, in the NW $\frac{1}{4}$, NE $\frac{1}{4}$, 12-7-34	1 cfs
City of Poca. # 15 ✓	On Lot 9, Block 3, Palmer Tracts, in the NW $\frac{1}{4}$, SE $\frac{1}{4}$, 6-17-33 B. M. (amended location)	1 cfs
		14 cfs

G24451

City of Pocatello

POCATELLO, IDAHO

MUNICIPAL BUILDING
P. O. BOX 1489

OFFICE OF

City Manager
June 13, 1958

State Reclamation Engineer
State of Idaho
Boise, Idaho

RECEIVED
JUN 19 1958

Department of Reclamation

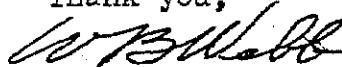
Dear Sir;

Enclosed find forms 10, 11, and 36, in duplicate, to begin to finish up on wells under permit numbers 20611 and G24451.

We have a new well which has just been drilled and tested which we had hoped to get under G24451. However, time is going to make us refile on it under a new permit, as we won't have the pump installed and the well connected to the system by the expiration date of the permit. At the same time, we would like to file on our anticipated needs for the next few years. Would you please send us a Form # 3 so that we may do so?

On March 12, 1955, we asked to have the capacity of our # 3 well increased from 3.12 cfs to 4 cfs. This was denied because proof of completion of works had already been submitted. Can this additional water from this well be filed on under this new permit, giving us a priority date of June 15, 1948, for the first 3.12 cfs and the priority date of this new permit for the remainder?

Thank you,



W. B. Webb
City Manager

G24451

March 28, 1958

Re: Permits Nos. 20611 and G-24451

Mr. W. B. Webb
City Manager
P. O. Box 1489
City of Pocatello
Pocatello, Idaho

Dear Mr. Webb:

In reply to your letter of March 24th, requesting what procedure to follow in showing Proof of Beneficial Use on Permit No. 20611. The status of Permit No. 20611 from the records of this department shows a filing of 54 cubic feet per second. Certificate of Completion of Works was issued in connection with this permit on May 13, 1954. Proof of Beneficial Use is due September 2, 1959.

Before these proofs can be made, the statutory requirement is that notice of intention of proof be published once a week for four consecutive weeks in the County newspaper. For this required information, we have enclosed Form 10, in duplicate, which you are to complete and return. In filling out this form, be sure to include the time of day, the date (allowing for four weeks publication), the name of the town, the address of the place where the depositions will be taken, and, the name of the notary public before whom you will appear to take the depositions of proof (any place convenient for you and your two witnesses), the quantity of water filed on, for what purpose it is to be used, the point or points of diversion and the place of use--by legal land description.

Also enclosed is Form 11, which is the authorization for us to have the notice of proof published in the designated county newspaper at your expense. This is to be returned with Form 10.

At the time we send the notice to the newspaper, we will also send to you the forms for the depositions of holder and two disinterested witnesses, which are to be executed at the time, on the date set, at the place and before the notary public, as was advertised in the publication of notice.

See letter in file 20611

G24451

Mr. W. B. Webb

-2-

March 27, 1958

In completing the Notice of proof for publication, the information should be taken from your permit, including any amendments made in connection with a change of point of diversion or land list which has been recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your notice is published.

Under Permit No. G-24451, you state that you would like to complete filing on the completed wells which includes wells No. 1, 2, 11, 12, 13, 15 and 18. You state well No. 18, in all probability, will be completed by September 17, 1958, which is the due date for Completion of Works and Beneficial Use. The point of diversion can be amended under Permit No. G-24451 and a form of amendment is enclosed herewith for that purpose.

Since Permit No. G-24451 was approved on September 17, 1953, we have given the maximum time that the work under the terms of this permit is to be completed, therefore, no extension of time in connection with this permit can be granted. The wells not completed by September 17, 1958 can not be proved up on under this permit; therefore, your other alternative would be to re-file.

We wish to explain why different forms are to be used in proving up on Permit No. 20611 and Permit No. G-24451. Under Permit No. 20611, which was that Completion of Works and Beneficial Use proofs could be made separate and a time limit given of five years for making Completion of Works and six additional years for making Beneficial Use Proofs. Under the new statute, (the underground water law), on "G" Permits, Completion of Works and Beneficial Use Proofs are to be made at the same time and on the same forms and the maximum time allowed for making these proofs is five years.

The preliminary steps for making proofs under Permit No. G-24451 is publishing the intent of the applicant to make proofs in four weekly issues of a county newspaper. We are therefore enclosing Form 36 in duplicate and also Form No. 11, which should be filled out and returned to this department at least 40 days prior to the time you wish to make said proofs.

The same procedure appertains to the preparation of these forms as given in the forepart of the letter.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:lw
Encls. Amendment
Form 11 (2)
Form 36 (2)
Form 10 (2)

J 24451

January 7, 1957

Re: Permit G-24451

City of Pocatello
Pocatello
Idaho

Attention: W. B. Webb, City Manager

Dear Mr. Webb:

Enclosed is Application for Amendment to amend the point of diversion as described in the original Permit No. G-24451, to read: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, Township 7 South, Range 35 East B.M. This amendment was approved by the State Reclamation Engineer and recorded in the Department of Reclamation in Book 87 of Permits, Page 24451.

Upon receipt, the amendment should be attached to the original permit to which it refers and of which it now forms a part.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

ER:nls
Encl:

24451

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. G-24451

RECEIVED
DEC 30 1956

Department of Reclamation

Comes now CITY OF POCAATELLO and represents to the State
Reclamation Engineer of the State of Idaho;

That he is the owner and holder of Permit to appropriate the Public
Waters of the State of Idaho, No. G-24451.

That the point of diversion is described in said permit as being
located PROPOSED WELL # 15 ROSS PARK IN THE NE 1/4, SE 1/4, T-7-34 8M.

That he now requests that the point of diversion be changed to a
point located ON LOT 9, BLOCK 3, PALMER TRACTS, A SUBDIVISION OF THE

NE 1/4, SE 1/4, SEC 6, T7S, R35 E8M

That his reasons for desiring to make such change are as follows:
THE CITY HAS PURCHASED AND IS OPERATING FOR DOMESTIC PURPOSES, AN UNFILED ON WELL AT
THE NEW POINT OF DIVERSION WHICH IS IN THE SAME GENERAL AREA.

That no one will be injured by such change, and that such change
will be made at Permit Holder's own risk.

Signed at POCAATELLO, IDAHO, this 7th day of DECEMBER 19 56

City of Pocatello Idaho
with city seal

Date of receipt at Department of Reclamation December 10, 1956

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho,
hereby approve the above and foregoing application for amendment to Permit to
appropriate the Public Waters of the State of Idaho, No. G-24451. This
approval constitutes a new permit and is issued as an amendment to the original
permit, to which it refers and of which it becomes a part, and said application
is approved only insofar as the rights of others will not be adversely affected
thereby.

Mark R. Kulp
State Reclamation Engineer

December 6, 1956

RE: Permit No. G-24451

City of Pocatello
Pocatello, Idaho

ATT: J.E. Fuger
Water Superintendent

Dear Sir:

We acknowledge receipt of your letter of December 5, 1956,
requesting forms for the application for amendment and completion of
works, enclosed please find same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

:vm
Enc.

§ 24451

City of Pocatello

POCATELLO, IDAHO

RECEIVED
DEC 5 1956

Department of Reclamation

MUNICIPAL BUILDING
P. O. BOX 1489

OFFICE OF Water Superintendent

December 5, 1956

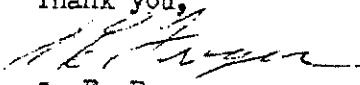
Mr. Mark R. Kulp
State Reclamation Engineer
Department of Reclamation
Boise, Idaho

Dear Sir:

We wish to make an amendment under Permit G-24451. Would you please send us the application for amendment form.

Would you also send us some extra applications for amendment forms, and some proof of completion of works forms.

Thank you,


J. E. Fuger
Water Superintendent

*1 - Amendment form sent to Mr. Kulp
2 - Point of view
2 - Forms for Affidavit of Completion of Works*

14807

G-24451

✓
March 21, 1955

RE: Permit No. G-24451

City of Pocatello
Municipal Building
220 East Center
Pocatello, Idaho

ATTENTION: Mr. A. W. Probart
Water Department

Dear Mr. Probart:

We return your Application for Amendment to one of the points of diversion described in Permit No. G-24451 which has been approved by the State Reclamation Engineer and recorded in this Department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cu
Enc.

824451

✓
March 14, 1955

Re: Permits Nos. 20611 and G-24451

City of Pocatello
Municipal Building
220 East Center
Pocatello, Idaho

ATTENTION: Mr. A. W. Probart
Water Department

Dear Mr. Probart:

Reference is made to your letter of March 12 in regard to amendments which you wish to make in the above numbered Permits.

Since proof of completion of works has already been submitted and Certificate of Completion of Works issued on Permit No. 20611 showing a total of 70 inches from Well #3, the amount cannot be changed at the present time.

The location of Well #12 in your Permit No. G-24451 can be amended and we enclose a form of application for such amendment herewith. So far as the amount from this well is concerned, since no definite amount is shown from each well in the Permit application, no amendment will be necessary, but the amount will be determined when proof is submitted and inspection is made by an engineer from this Department.

Very truly yours,

HALE R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hl1
Enc.

G24451

City of Pocatello

POCATELLO, IDAHO

MUNICIPAL BUILDING
220 EAST CENTER

OFFICE OF Water Superintendent

March 12, 1955

Mr. Mark R. Kulp
State Reclamation
Boise, Idaho

RECEIVED
MAR 14 1955
Department of Reclamation

Re: Permit Nos. 20611 and G-24451

Dear Mr. Kulp:

It is requested that the point of diversion or location of Well No. 12 be changed from No. 3 Fire Station in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ 27-6-34 E.B.M. to S.W. portion of Lot 17, Block 361, Original Pocatello Townsite, and the capacity of this well changed from 2250 GPM, 5 c.f.s. to 2500 GPM 5.6 c.f.s. The previous location of this well proved to be an unfavorable well field and a point of diversion was needed at the new location.

It is also requested that the capacity of Well No. 3 located in the center of the NE $\frac{1}{4}$ Sec. 1, T. 7 S.R. 34 E.B.M. be changed from 1400 GPM 3.12 c.f.s. to 1800 GPM, 4 c.f.s. A pump of greater capacity was installed in Well No. 3.

A map showing the location of the wells is enclosed. At present neither of these wells are in production. Both have been tested and will be put into service as soon as the weather breaks so they can be connected to the system. If there are special forms to fill out or add. information to on these wells please let us know.

Yours truly,

A. W. Prebart
A. W. Prebart
Water Department

224451

February 10, 1958

RE: Permit Nos. 20611 & G-24451

Mr. J. J. Cardino
Water Department
City ofocatello
ocatello, Idaho

Dear Mr. Cardino:

In repl. to your letter of February 9, our records show
the following:

Permit No. - 20611
Application No.-28180
Priority date-June 15, 1948
Proof of completion of Works due-September 2, 1953
Proof of Beneficial Use due-September 2, 1959

Permit No. - G-24451
Application No.-G-32743
Priority date-September 1, 1953
Proof of Completion of Works due-September 17, 1958
Proof of Beneficial Use due- September 17, 1958

These permits contain no reference to the district
number.

Very truly yours,

MARK R. TULL
State Reclamation Engineer
by

Chief Clerk

G-24451

A:hll

September 22, 1953

RE: Permit No. G-24451

Mr. W. B. Webb, City Manager
City of Pocatello
Box 1489
Pocatello, Idaho

Dear Mr. Webb:

We enclose Permit No. G-24451 of the City of Pocatello, and direct attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose departmental receipt No. G-263 for the \$14.25 filing fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

G24451

September 1, 1953

City of Pocatello
P.O. Box 1489
Pocatello, Idaho

Attn: Mr. W.B. Webb, City Manager

Dear Mr. Webb:

We acknowledge receipt of your letter of August 31, 1953, returning application for permit to appropriate 38 second feet of water from wells.

We have amended Question 5 to show that the water is to be used for municipal and domestic purposes for the City of Pocatello and adjacent property.

Meanwhile, we return signed Voucher for the \$14.25 filing fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

Ainj
Enc.

24451

CITY OFFICES
EAST CENTER STREET
TELEPHONE 993

CITY OF POCATELLO

Idaho's Industrial Center

Pocatello, Idaho

August 31, 1953

State of Idaho
Department of Reclamation,
Boise, Idaho.

Attention Mr. Mark R. Kulp,
Reclamation Engineer

Gentlemen:

Reference is made to your letter August 14th and returning application for permit to appropriate 38 cubic feet per second of subterranean water from wells. Application has now been signed.

Also attached is Claim form against the City of Pocatello, in amount of \$14.25 covering filing fee. Please sign in the lower left hand corner, having signature notarized, after which return to us for our further handling and payment.

Yours very truly,
CITY OF POCATELLO



W.B. Webb
City Manager

24451

RECEIVED
SEP 1 1953
Department of Reclamation

August 14, 1953

City of Pocatello
P.O. Box 1489
Pocatello, Idaho

Attn: Mr. A. B. Webb,
City Manager

Dear Mr. Webb:

Your letter of August 3, 1953, enclosing application for permit to appropriate 38 cubic feet per second of subterranean water from wells reached us this morning.

However, the application has not been signed and we return it for that purpose.

The filing fee amounting to \$14.25 should accompany the application.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:pj
Enc.

24451

City of Pocatello

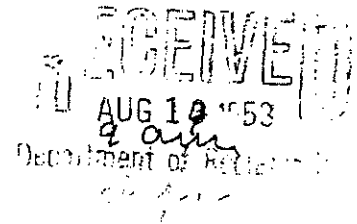
POCATELLO, IDAHO

August 3, 1953

MUNICIPAL BUILDING
220 EAST CENTER

OFFICE OF

Mr. Mark R. Kulp
State Reclamation Engineer
Boise, Idaho



Dear Mr. Kulp:

Accompanying this letter is the necessary application to appropriate subterranean waters and to establish a priority date for our future requirements over the next 5 year period.

Future planning includes the following schedule. Work on Well No. 12 at # 3 Fire Station and Well No. 13 at the Golf Course will be completed sometime this year. Well No. 12 will pump directly into the distribution system. Well No. 13 will serve the club house and property adjacent to the Golf Course. Well No. 14 at the Golf Course will be constructed in 1954 and will supplement the sprinkling system. Wells No. 15 at Ross Park, 16 at Caldwell Park, 17 at Brady Park and 18 at Northland Add'n will be constructed as the requirement demands increase and will pump directly into the distribution system.

The Army Airbase Wells No. 1 and 2 are completed and feed the Phillips Field distribution system, which serves the Airbase area. Well No. 11 at the Old Airport is completed and serves the adjacent Airport area.

Very truly yours,

CITY OF POCATELLO

W. B. Webb

W. B. Webb
City Manager

WBW:mb
encl.

by M.B. - Lee

8-24451

NOTICE OF PROOF OF
COMPLETION OF WORKS

APPLICATION FOR WATER
TO BENEFICIAL USE

Notice is hereby given that at 10 A.M., on the 16th day of September, 1958, at Pocatello, County of Bannock, State of Idaho, before E. D. Reese, Notary Public, proof will be submitted of the completion of works for the diversion of 14 cubic feet per second of underground waters from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G24451 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are City of Pocatello, Pocatello, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 14 cubic feet per second.

3. The use to which said water has been applied is Domestic, Municipal Water System purposes, and the amount applied to beneficial use is 14 cubic feet per second.

4. The point of diversion of said water is

Well	Location	Capacity
Army Airbase No. 1	Phillips Field at 2nd Ave. & US30N in the SW $\frac{1}{4}$, NE $\frac{1}{4}$, 15-6-33 B. M.	3 cfs
Army Airbase No. 2	Phillips Field at 10th Ave & C St., in the NE $\frac{1}{4}$, SE $\frac{1}{4}$, 10-8-33 B. M.	3 cfs
City of Poca. No. 11	Old Airport near US30N in the NE $\frac{1}{4}$, SE $\frac{1}{4}$, 12-6-33	1 cfs
City of Poca. No. 12	SW portion of lot 17, Block 361, original Pocatello Townsite, Pocatello, Idaho. (amended location)	5 cfs
City of Poca. No. 13	Golf Course, in the NW $\frac{1}{4}$, NE $\frac{1}{4}$, 12-7-34	1 cfs
City of Poca. No. 15	On Lot 8, Block 3, Palmer Tracts, in the NW $\frac{1}{4}$, SE $\frac{1}{4}$, 6-17-33 B.M. (amended location)	1 cfs
	<u>2</u>	<u>14 cfs</u>

5. The place where said water is used is City of Pocatello.

6. The date of priority which said user is prepared to establish is September 1, 1953.

E. N. HUMPHREY
Deputy State
Reclamation Engineer

June 25, July 3, 10, 17, 1958.

EXHIBIT G



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

June 22, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Gary Resh
Rob Hartman
Astaris Idaho LLC
PO Box 4111
Pocatello, Idaho 83205

Re: Adjudication Claims 29-2255E, 29-2284, 29-2301, 29-11342

Dear Water Users:

We are reviewing adjudication claims in Basin 29, in preparation for making recommendations to the court. In looking at your claims, there are some things I find I need help with, and some things you may want to be aware of.

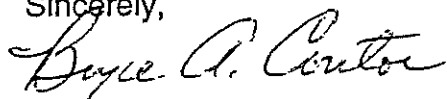
1. Claim 29-2255E appears to be the right out of the "racetrack well." Its claimed point of diversion, however, is about a quarter mile east of where the Water Measurement District indicates the well is (see attached map). You may wish to amend this claim to show the correct location.
2. From the aerial photo, I can't tell how much irrigation was taking place from the racetrack well in 1987. If you could provide an affidavit from someone who personally observed the irrigation, describing approximately how many acres, and where, were irrigated, that would help me.
3. The Water Measurement District indicates that in 1998 you were using five wells – racetrack, Pilot House, #1, #3, and #4. Transfer 4128 (1994) appeared to authorize replacing well #5 with a new well, #6. It is not clear if this ever took place. Could you help me with a description of the wells currently used?
4. License 29-2284 and 29-2301 are the rights that describe use in the plant itself. They total 8.5 cubic feet per second (cfs). It appears that the historical capacity of wells at the plant was about 11.5 cfs, and the current capacity of wells 1, 3, and 4 is about the same. You may wish to consider filing a "beneficial use" claim for the additional capacity.
5. One of the elements of the water rights that I need to recommend is an annual volume. If you have historical data on the number of hours per day of

operation of the wells, and the number of days per year of operation of the plant, that would help me a great deal. The most valuable data will be data going back before 1987, and especially before 1963.

6. Claim 29-11342 is for the "Pilot House Well," purchased from the City of Pocatello. The city had filed for municipal purposes, but it appears the well is now used for domestic water in a few homes and businesses, and for some irrigation. Could you please help me clarify the current uses? I also need an affidavit if possible describing the amount (number of acres) and location of irrigation in 1987 or earlier.

Please call me at 525-7161 if you have questions. I will be out of the office until June 27 or 28.

Sincerely,



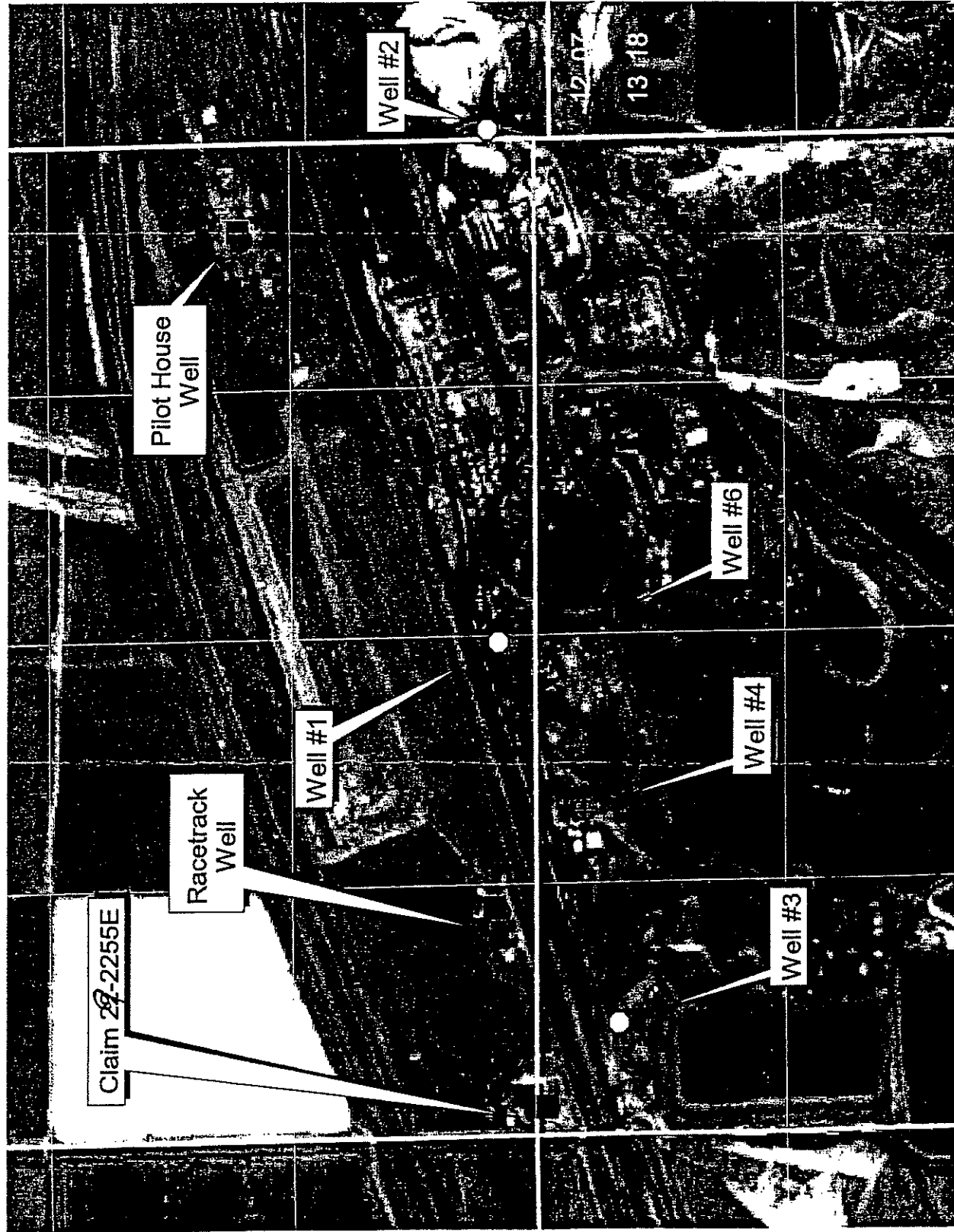
Bryce A. Contor
Senior Water Resource Agent

enclosure

*CALLER 07/27/2001 @ 0900. SHORT DISCUSSION BECAUSE
HE WAS LATE FOR A STAFF MEETING. - I WILL CALL HIM
BACK AFTER LUNCH (NO DIRECT-DIAL - USE 525-7161).*

- J. Swigg

Astaris Wells at Pocatello Plant



- Astaris.shp
- Claim
 - ⊕ EWMD
 - Old License
 - ▲ Transfer

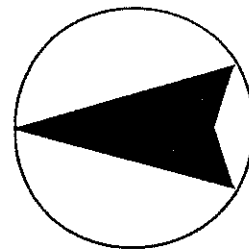


EXHIBIT H

LAW OFFICES OF

**RACINE, OLSON, NYE, BUDGE & BAILEY
CHARTERED**

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC L. OLSEN
ERIC S. HUNN
DAVID E. ALEXANDER
LISA M. CHRISTON
RICHARD A. HEARN, M.D.
LANE V. ERICKSON
PATRICK N. GEORGE
SCOTT J. SMITH
LISA A. WOOD, CPA

CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

SENDER'S E-MAIL ADDRESS: rcb@racinelaw.net

BOISE OFFICE

CONRAD J. AIKEN

101 SOUTH CAPITOL
BOULEVARD
U.S. BANK PLAZA, SUITE 202
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0167

July 31, 2002

Rob J. Hartman ✓
Jim Sieverson
FMC Idaho, L.L.C.
P.O. Box 4111
Pocatello, Idaho 83202

Re: Lease of Water Rights - Ground Water Districts

Dear Rob and Jim:

Per my phone conversation with Jim, enclosed please find copies of the follow-up letters I have sent to Norm Young and Phil Rassier at IDWR, and also Tim Deeg on behalf of the Ground Water Districts. I believe you will find these self-explanatory, but give me a call if you have any questions.

I am enclosing an original and extra copy of a corrected page 1 to the Lease of Water Rights dated May 22, 2002. Please substitute this page on the original lease forwarded to you previously with my May 23, 2002 letter. The changes are to paragraphs 1 and 3.1 to reflect the maximum amount of water available for lease based on correcting Water Right No. A29-2301 to 4.0 cfs, rather than 8.0 cfs. It is my understanding that this water right is diverted from Plant Wells No. 3 and 6, both being listed as the point of diversion. While FMC originally applied for an 8.0 cfs right, the Department's records reflect that only 4.0 cfs was proved up on. Accordingly, the license water right is for 4.0 cfs. Apparently this was the maximum amount of water that was diverted from the well and applied to beneficial use based on inspection by the Department at the time proof was submitted by FMC and the license was issued. If in fact there is more than 4.0 cfs diverted from these two wells, FMC could now still file a "late-filed" SRBA Claim to the additional water. The priority date would be the date the additional water was actually diverted and applied to beneficial use. Also, it would be necessary to submit proof in support of the additional amount. While I would be surprised

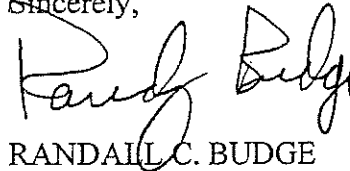
Rob J. Hartman
Jim Sieverson
July 31, 2002
Page 2

if this were the case, I understand that Jim is in the process of checking that out and will let me know if there is a basis for claiming additional quantities.

Based on the lease of 9.42 cfs of ground water (6,819.87 AF per year), and the 5000 AF of Palisades storage water, the total quantity leased is 11,819.87 AF. Based on the rent of \$2.95 per AF for ground water and \$3.45 per AF for Palisades storage, the total rent due is \$37,368.62. Even though we have not yet received the letter approving the lease from the Department, based upon my follow-up conversations with Norm Young and Phil Rassier, as confirmed by my July 31 letter to them, I expect we will have a letter of approval shortly. Based on my discussed of this with Tim Deed, he will arrange to send the Ground Water District's check directly to FMC for the rent right away, on the assumption that the Department's approval will be forthcoming and that the full amount of ground water will be available for mitigation purposes. In accordance with paragraph 3.1 of the Lease, if the actual amount which the Department credits the Districts for mitigation purposes is less, then the rent would be subject to adjustment accordingly. I don't expect this to occur, but it remains a possibility based on questions that continue to be raised within the Department, depending on who you talk to.

Please call if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Randail C. Budge". The signature is stylized with a large, sweeping "R" and "B".

RANDAIL C. BUDGE

RCB:rr
Enclosures

**RACINE, OLSON, NYE, BUDGE & BAILEY
CHARTERED**

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC L. OLSEN
ERIC S. HUNN
DAVID E. ALEXANDER
LISA M. CHRISTON
RICHARD A. HEARN, M.D.
LANE V. ERICKSON
PATRICK N. GEORGE
SCOTT J. SMITH
LISA A. WOOD, CPA

CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

SENDER'S E-MAIL ADDRESS: rcb@racinelaw.net

BOISE OFFICE

CONRAD J. AIKEN

101 SOUTH CAPITOL
BOULEVARD
U.S. BANK PLAZA, SUITE 202
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0167

July 30, 2002

Tim Deeg
P.O. Box 70
American Falls, Idaho 83211
Fax: 226-2562 (226-3190)

Re: FMC Water Right Lease

Dear Tim:

Per our phone conversation, I have confirmed that the quantity of water available under Ground Water Right No. A29-2301 is in fact 4.0 cfs, rather than 8.0 cfs. Accordingly, the total amount of ground water available under the Lease is 9.42 cfs, or 6,819.87 AF per year. This amount added to the 5000 AF of Palisades storage results in a total of 11,819.87 AF of water leased by FMC Idaho, L.L.C., to the Ground Water Districts under the Lease Agreement of May 22, 2002.

I am enclosing a revised and corrected page 1 to the Lease Agreement reflecting the above changes in paragraphs 1 and 3.1. Please replace this page on the Lease Agreement.

The rent due is \$2.95 per AF for ground water and \$3.45 per AF for Palisades storage. Accordingly, the total rent due is \$37,368.62.

As you are aware and is set forth in paragraph 7.3 of the Lease, it is conditioned upon the Department's approval of the use of the water by the Districts for mitigation purposes, and acknowledgment that the use of the water and/or replacement of the water in the State Water Bank constitutes beneficial use and will not subject any of the rights to forfeiture. My letter of May 23, 2002, to Director Dreher requested a letter confirming the Department's approval, which we understood was verbally provided at a meeting with the District on or about May 22, 2002. As this letter has not yet been received, I have sent the enclosed follow-up letter to Phil Rassier based on my phone conversation with him. We expect the approval letter to come shortly.

Tim Deeg
July 30, 2002
Page 2

Would you kindly arrange for the check to be issued for the total annual rent and remitted to FMC Idaho, L.L.C., at P.O. Box 4111, Pocatello, Idaho 83202, in care of Rob J. Hartman. Please send me a copy of the check and transmittal letter for our file. In accordance with paragraph 3.1 of the Lease Agreement, the amount is subject to adjustment if the actual amount which IDWR credits the Districts for mitigation purposes changes.

Thank you for your cooperation and assistance. If you have any questions, please don't hesitate to contact me.

Sincerely,

RANDALL C. BUDGE

RCB:rr

Enclosure

cc: FMC Idaho, LLC
Rob J. Hartman
James Sieverson

**RACINE, OLSON, NYE, BUDGE & BAILEY
CHARTERED**

LOUIS F. RACINE, JR.
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W. MARCUS W. NYE
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SENDER'S E-MAIL ADDRESS: rcb@racinelaw.net

BOISE OFFICE

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BOULEVARD
U.S. BANK PLAZA, SUITE 202
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0167

July 31, 2002

Phillip J. Rassier
Attorney General's Office
P.O. Box 83720
Boise, Idaho 83720-0098

**Transmitted Via Fax:
208-327-7866**

Norm Young
Idaho Department of Water Resources
1301 N. Orchard
Boise, Idaho 83706

208-327-7866

Re: FMC Water Right Lease

Dear Phil and Norm:

Per our separate phone conversations, I have confirmed that the total quantity of water available for lease under Water Right No. A29-2301 is in fact 4.0 cfs, rather than 8.0 cfs. Accordingly, the total quantity of ground water available for lease is 9.42 cfs, or 18.68 AF per day, a total of 6,819.87 AF per year, based upon the historic year-round use of these rights. Adding the 5000 AF of Palisades storage brings the total quantity to 11,819.87 AF per year.

Attached is a revised and corrected page 1 to the Lease of Water Rights dated May 22, 2002, reflecting these changes in paragraphs 1 and 3.1. I am providing this corrected page 1 to the Lessor, FMC Idaho, L.L.C., and the Lessee Groundwater Districts.

The Districts are prepared to pay the rent under the Lease, but have delayed payment pending the Department's approval. As indicated in my May 23, 2002 letter to Director Dreher (copied to you), the Lease provides in paragraph 3 that the rent is due upon approval of the Lease by IDWR, allowing the use of the water by the Districts for mitigation purposes. Additionally, pursuant to paragraph 7.3, the Lease is conditioned upon the Department's approval of the use of the water by

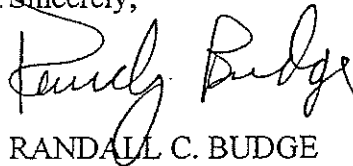
Phil Rassier
July 31, 2002
Page 2

the Districts for mitigation purposes and acknowledgment that the use of the water and/or replacement of the water in the State Water Bank constitutes beneficial use and will not subject any of their rights to forfeiture.

It was my understanding that the Director approved the Lease following a meeting with the Districts on or about May 22, 2002. As we have not yet received back a letter confirming the Department's approval, would you kindly provide the same at your earliest convenience.

Thank you for your cooperation and assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Randall C. Budge".

RANDALL C. BUDGE

RCB:rr

Enclosure

cc: FMC Idaho, L.L.C.

Rob J. Hartman

James P. Sieverson

Timothy P. Deeg

LEASE OF WATER RIGHTS

Lease Agreement made and entered into May 22nd, 2002, between FMC IDAHO, L.L.C., whose address is P.O. Box 4111, Pocatello, Idaho 83202 (hereinafter "Lessor") and AMERICAN FALLS-ABERDEEN AREA GROUND WATER DISTRICT, BINGHAM GROUND WATER DISTRICT, and BONNEVILLE-JEFFERSON GROUND WATER DISTRICT, whose address is in care of Timothy P. Deeg, P.O. Box 70, American Falls, Idaho 83211 (hereinafter "Lessee"):

1. **Leased Property.** Lessor hereby leases to Lessee and Lessee hereby leases from Lessor certain water rights identified by the records of the Idaho Department of Water Resource ("IDWR") as follows:

Water Right No.	Priority	Quantity	Purpose
A29-02284	3/02/49	4.5 cfs	Industrial
A29-2301	4/24/51	3.82 cfs*	Industrial
A29-11342	7/24/52	<u>1.10 cfs</u>	Municipal
		9.42 cfs	

(*FMC retaining 0.18 cfs for continuing plant needs.)

Together with 5000 AF of Palisades Storage pursuant to U.S. Department of Interior, Bureau of Reclamation, Contract No. 14-06-100-1836, Palisades Water Users, Inc. - A01-10214.

2. **Term.** The term of this Lease shall be for a term of one (1) year, commencing April 15, 2002, and terminating on April 14, 2003. Thereafter, this Lease will be automatically renewed and extended for successive additional one-year terms, unless and until terminated by either party as hereafter provided.

Either party may terminate this Lease at the end of any lease term upon not less than ninety (90) days advance written notice.

3. **Rent.** For the use of the lease property Lessee shall pay to Lessor on or before April 15 of each year rent in the amount of \$2.95 per acre foot for ground water and \$3.45 per acre foot for Palisades Storage. The rent shall be due upon approval of the lease by IDWR allowing the use of the water by Lessee for mitigation purposes.

3.1 The calculated amount of ground water pursuant to this Lease is 18.68 AF per day or 6,819.87 AF per year based upon the historic year-round use of these rights. This amount is subject to adjustment to the actual amount which IDWR will credit Lessee for mitigation purposes.

3.2 Lessor has retained all of Water Right No. A29-02255E and A29-2255C, plus 0.18 cfs of Water Right No. A29-2301 to meet continuing water needs at Lessor's Pocatello plant for culinary purposes, irrigation of

LEASE OF WATER RIGHTS

Lease Agreement made and entered into May 22nd, 2002, between FMC IDAHO, L.L.C., whose address is P.O. Box 4111, Pocatello, Idaho 83202 (hereinafter "Lessor") and AMERICAN FALLS-ABERDEEN AREA GROUND WATER DISTRICT, BINGHAM GROUND WATER DISTRICT, and BONNEVILLE-JEFFERSON GROUND WATER DISTRICT, whose address is in care of Timothy P. Deeg, P.O. Box 70, American Falls, Idaho 83211 (hereinafter "Lessee"):

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3.2 Lessor has retained all of Water Right No. A29-02255E and A29-2255C, plus 0.18 cfs of Water Right No. A29-2301 to meet continuing water needs at Lessor's Pocatello plant for culinary purposes, irrigation of

EXHIBIT I

RECEIVED

APR 25 2003

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, Department of Water Resources
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 29-2338
Date Received:
Receipt No:
Received By:

AMENDED NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CITY OF POCA TELLO Phone: (208)232-4311

PO BOX 4169
POCA TELLO ID USA 83201

2. Date of Priority: September 1 1953

3. Source: GROUND WATER

4. Point of Diversion:

Township Range Section 1/4 of 1/4 of 1/4 Lot County Type

SEE ATTACHMENT A

5. Description of diverting works:

32 WELLS

6. Water is used for the following purposes:

Purpose
MUNICIPAL

From To C.F.S.
1/01 12/31 9.53

(or) A.F.A

7. Total Quantity Appropriated is:
9.53 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses: MUNICIPAL, CITY OF POCA TELLO

COPY

10. Place of use: WITHIN THE SERVICE AREA OF THE CITY OF POCA TELLO'S MUNICIPAL WATER SUPPLY SYSTEM AS PROVIDED FOR UNDER IDAHO LAW.

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
----------	-------	---------	------------	-----	-----	-------

11. Place of use in counties:

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used: [LIST/ATTACH CITY'S MUNICIPAL WATER RIGHTS]

14. Remarks:

P/U WITHIN CITY OF POCA TELLO & VICINITY.

29-2338: Well #11 (0 cfs; property sold in 1992); well #12 (6.2 cfs); well #13 (2.22 cfs); well #15 (1.11 cfs); Phillips 1 claimed in 1940; Phillips 2 claimed in 1942.

15. Basis of Claim:

License

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am the City Attorney of the City of Pocatello, a Municipal Corporation, that I have signed the foregoing document in the space below as the City Attorney of the City of Pocatello and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent: _____
 Title and Organization: _____

A. Dean Tranter
 City Attorney, City of Pocatello

4-21-03
 Date

STATE OF IDAHO)
) ss.
 County of Bannock)

Subscribed and sworn to before me this 21st day of April, 2003.



Rayna Valentine
 NOTARY PUBLIC
 Residing at Pocatello
 My commission Expires 4/28/09

EXHIBIT J

06/10/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-2338

NAME AND ADDRESS: CITY OF POCA TELLO
PO BOX 4169
POCA TELLO ID 83205

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 9.530 CFS

PRIORITY DATE: 09/01/1953

POINT OF DIVERSION:

T06S R33E S10 NESE Within POWER County
T06S R33E S12 NESE Within POWER County
T06S R33E S15 SWNE Within POWER County
T06S R34E S15 NWSW Within BANNOCK County
T06S R34E S26 NENW Within BANNOCK County
T06S R34E S27 NWSE Within BANNOCK County
T06S R34E S35 SENE Within BANNOCK County
T06S R34E S35 SENE Within BANNOCK County
T06S R34E S35 NWSE Within BANNOCK County
T06S R34E S35 NWSE Within BANNOCK County
T06S R34E S35 NWSE Within BANNOCK County
T07S R34E S1 SESE Within BANNOCK County
T07S R35E S16 SWSW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
MUNICIPAL

PERIOD OF USE
01/01 12/31

QUANTITY
9.530 CFS

PLACE OF USE:

Place of use is within the service area of the City of Pocatello municipal water supply system as provided for under Idaho Law.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: License

06/10/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

City of Pocatello Claims

Tab	Priority Date	Diversion Rate (cfs)	Claim No.	Source	Right Developed From	Rec. Rate (cfs)	Rec. Priority Date
1	June 16, 1898	7	29-4222	Gibson Jack Creek	Gibson Jack Creek	5	June 16, 1898
2	1905	1.34	29-13558	Ground Water	Alameda Well 01	1.34	July 16, 1924
3	1925	0.96	29-13559	Ground Water	Alameda Well 02	0.96	December 31, 1925
4	December 31, 1926	9.13	29-13560	Ground Water	Wells 01, 02 & 03	9.13	December 31, 1926
5	August 31, 1931	4.23	29-13561	Ground Water	Well 04	4.23	August 31, 1931
6	1936	2.45	29-13562	Ground Water	Well 06	2.45	December 31, 1936
7	December 31, 1940	10.34	29-11343	Ground Water	Wells 07, 22 & 39	See Below	See Below
			29-13637	Ground Water	Well 07	4.46	December 31, 1940
			29-13638	Ground Water	Well 39 (Phillips 1)	2.2	December 31, 1940
			29-13639	Ground Water	Well 22 (Alameda 3)	3.68	October 22, 1952
8	December 31, 1942	1.92	29-11344	Ground Water	Well 40 (Phillips 2)	1.92	December 31, 1942
9	June 1, 1943	2.67	29-4221	Ground Water	Well 26 (PIP)	2.67	June 1, 1945
10	June 15, 1948	9.69	29-2274	Ground Water	Wells 08, 09 & 10	9.69	June 15, 1948
11	August, 1951	4.9	29-11348	Ground Water	Well 28	4.9	August 31, 1951
12	September 1, 1953	9.53	29-2338	Ground Water	Wells 11, 12, 13 & 15	9.53	September 1, 1953
13	August 27, 1954	0.28	29-2354	Ground Water	Restlawn Cemetery Well	0.28	August 27, 1954
14	September 15, 1955	3.89	29-4224	Ground Water	Well 21 (Alameda 4)	3.89	September 15, 1955
15	October 1, 1955	1.22	29-4226	Ground Water	Well 14 (Cree Well)	0.22	December 31, 1955
16	August 15, 1956	4.44	29-4225	Ground Water	Well 23 (Alameda 5)	4.44	August 15, 1956
17	December 21, 1956	3.82	29-2382	Ground Water	Well 17 (Highland G. C.)	3.82	December 21, 1956
18	October 16, 1958	13.02	29-2401	Ground Water	Wells 13, 16, 18 & 19	See Below	See Below
			29-2401	Ground Water	Wells 13, 16 & 18	12.22	October 16, 1958
			29-13636	Ground Water	Well 19	0.8	October 16, 1958
19	1961	3.36	29-11339	Ground Water	Alameda Wells 06 & 07	3.36	December 31, 1961
20	October 1, 1962	2.67	29-4223	Ground Water	Well 33	0.21	October 1, 1962
21	December 10, 1964	4.1	29-2499	Ground Water	Well 27	4.1	December 10, 1964
22	November 6, 1972	3.9	29-7106	Ground Water	Well 29	3.9	November 6, 1972
23	April 11, 1973	10.01	29-7118 & 29-7119	Ground Water	Wells 41 & 42	See Below	See Below
			29-7118	Ground Water	Well 42	4.01	April 11, 1973
			29-7119	Ground Water	Well 41	6	April 11, 1973
24	August 22, 1974	1	29-7222	Ground Water	Well 43	1	August 22, 1974
25	April 25, 1976	17.07	29-7322	Ground Water	Wells 30, 31 & 32	17.06	April 25, 1976
26	February 24, 1977	2.23	29-7375	Ground Water	Well 15	2.23	February 24, 1977
27	December 29, 1977	9.28	29-7431	Waste Water	Waste Water	9.28	December 29, 1977
28	June 13, 1978	3.34	29-7450	Ground Water	Well 35 (Phillips 3)	3.34	June 13, 1978
29	July 6, 1979	0.1	29-7502	Ground Water	Restlawn Cemetery Well	0.1	July 6, 1979
30	May 21, 1984	4.46	29-7770	Ground Water	Well WPC	4.46	May 21, 1984
31	January 18, 1985	7	29-7782	Ground Water	Well 34	7	January 18, 1985

City of Pocatello Claims

No New or Amended Claim

February 26, 1869	3.22	29-271	Mink Creek
October 1, 1901	0.56	29-272	Mink Creek
October 1, 1917	1.218	29-273	Mink Creek
Totals	164.348		
Ground Water	143.07		
Surface Water	11.998		
Waste Water	9.28		
	164.348		

EXHIBIT K

07/10/2003

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

W.R. NUMBER	NAME AND ADDRESS	CLAIM DISPOSITION	REASON
29-11117	THEODORE W MEYER 3960 JOHNNY CREEK RD POCATELLO ID 83204	Disallowed	NO LAWFUL APPROPRIATION SHOWN.
29-11312	J R SIMPLOT CO 999 MAIN ST STE 1300 PO BOX 27 BOISE ID 83707	Disallowed	NO LAWFUL APPROPRIATION SHOWN.
29-11313	J R SIMPLOT CO 999 MAIN ST STE 1300 PO BOX 27 BOISE ID 83707	Disallowed	NO LAWFUL APPROPRIATION SHOWN.
29-11314	ROBERT MICHAEL VESTAL 2490 S GRANT EXTENSION POCATELLO ID 83204	Disallowed	NO BENEFICIAL USE FOUND.
29-11334	JEFFERY L MATKIN PO BOX 4885 POCATELLO ID 83204	Disallowed	RECOMMENDED AS RIGHT NO. 29-11331.
29-11342	F M C CORP PO BOX 4111 POCATELLO ID 83202	Disallowed	RECOMMENDED AS RIGHT NO. 29-2338.
29-11391	WILLIS HUNZIKER ENTERPRISES DEA FLAGS WEST I 15 EXIT 31 DOWNEY ID 83234	Disallowed	NO LAWFUL APPROPRIATION SHOWN.
29-11410	CECIL E ARMSTRONG 849 W GLOVER RD ARIMO ID 83214 NORMA M ARMSTRONG 849 W GLOVER RD ARIMO ID 83214	Disallowed	NO BENEFICIAL USE FOUND.
29-11441	FAWN A POTTER PO BOX 212 LAVA HOT SPRINGS ID 83246	Disallowed	NO BENEFICIAL USE FOUND.
29-11500	DONNA RAE VAUGHAN 3459 WOODLAND RD DOWNEY ID 83234	Disallowed	RECOMMENDED AS RIGHT NO. 29-02178.
29-11620B	ROBERT K TRIPLETT 1969 S MARSH CREEK RD MC CAMMON ID 83250 D CAROLE TRIPLETT 1969 S MARSH CREEK RD MC CAMMON ID 83250	Disallowed	NO BENEFICIAL USE FOUND.
29-11670	B HALL MEEHAN PO BOX 26216 LAS VEGAS NV 89126	Disallowed	NO BENEFICIAL USE FOUND.
29-11671	B HALL MEEHAN PO BOX 26216 LAS VEGAS NV 89126	Disallowed	NO BENEFICIAL USE FOUND.
29-11672	B HALL MEEHAN PO BOX 26216 LAS VEGAS NV 89126	Disallowed	NO BENEFICIAL USE FOUND.